US Laws, statutes, etc.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

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

1972

AND

PROPOSED AMENDMENT TO THE CONSTITUTION
AND PROCLAMATIONS

VOLUME 86

IN ONE PART

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92–434	*International Bridge Act of 1972.* AN ACT To give the consent of Congress to the construction of certain international bridges, and for other purposes	Sept. 26, 1972	731
92–435	*Fort Belknap Indian Community, Mont., lands in trust.* AN ACT To declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community	Sept. 26, 1972	733
92–436	*Armed Forces, appropriation authorization, 1973.* AN ACT To authorize appropriations during the fiscal year 1973 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 authorize construction at certain installations in connection with the Safeguard antiballistic missile system, 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 for other purposes	Sept. 26, 1972	734
92–437	*U.S. Courts, juror qualification forms.* AN ACT To amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form	Sept. 29, 1972	740
92–438	*Indians, Havasupai Tribe, judgment funds.* AN ACT To provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes	Sept. 29, 1972	741
92–439	*Indians, Cheyenne-Arapaho Tribes, Okla., judgment funds.* AN ACT To amend the Act entitled "An Act to provide for the disposition for judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma", approved October 31, 1967 (81 Stat. 337)	Sept. 29, 1972	742
92–440	*Southern and Western Interstate Nuclear Boards, Federal representatives, compensation.* AN ACT To amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards	Sept. 29, 1972	742
92–441	*Indians, Lac du Flambeau Bank, Wis., land in trust.* AN ACT To declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians	Sept. 29, 1972	743
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92–443	*Indians, Nez Perce Tribe, Idaho, non-members, inheritance.* AN ACT To provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes	Sept. 29, 1972	744
92–444	*Central, Western, and South Pacific Fisheries Development Act.* AN ACT To authorize a program for the development of tuna and other latent fisheries resources in the Central, Western, and South Pacific Ocean	Sept. 29, 1972	744
92–445	*National Guard, claims against U.S., application of local law.* AN ACT To amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard	Sept. 29, 1972	745
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92-449	*Communicable Disease Control Amendments Act of 1972.* AN ACT To amend the Public Health Service Act to extend and revise the program of assistance under that Act for the control and prevention of communicable diseases	Sept. 30, 1972	748
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92-453	*Uniformed services; National Guard.* AN ACT To amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes	Oct. 2, 1972	758
92-454	*D.C. substitute teachers, civil service retirement credit.* AN ACT To credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement	Oct. 2, 1972	760
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92-456	*Indians, Delaware Tribes, Okla., judgment funds.* AN ACT To provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket Numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket Numbered 72, and for other purposes	Oct. 3, 1972	762
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92-474	*Carson and Santa Fe National Forests, N. Mex., land exchange.* AN ACT To authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes	Oct. 9, 1972	790
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92-538	*American Revolution Bicentennial Commission.* AN ACT To amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended	Oct. 23, 1972	1070
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92-553	*Vessel, transfer to New York City Board of Education.* AN ACT To authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the City of New York for educational purposes	Oct. 25, 1972	1167
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92-555	*Indians, Mississippi Sioux Tribes, judgment funds.* AN ACT To provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes	Oct. 25, 1972	1168
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92–559	*Naval Reserve officers, Judge Advocate General's Corps.* AN ACT To amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes	Oct. 25, 1972	1173
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92–561	*Armed Forces, Air Force officers, increase.* AN ACT To amend the Act of September 26, 1966, Public Law 89–606, to extend for four years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes	Oct. 25, 1972	1175
92–562	*Real property quiet title actions, adjudication.* AN ACT To permit suits to adjudicate certain real property quiet title actions	Oct. 25, 1972	1176
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PUBLIC LAWS

Public Laws

ENACTED DURING THE

SECOND SESSION OF THE NINETY-SECOND CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 18, 1972, and adjourned sine die on Wednesday, October 18, 1972. RICHARD M. NIXON, *President;* SPIRO T. AGNEW, *Vice President;* CARL ALBERT, *Speaker of the House of Representatives.*

Public Law 92-225

AN ACT

February 7, 1972
[S. 382]

To promote fair practices in the conduct of election campaigns for Federal political offices, 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 "Federal Election Campaign Act of 1971".

Federal Election Campaign Act of 1971.

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

SEC. 101. This title may be cited as the "Campaign Communications Reform Act".

Citation of title.

DEFINITIONS

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

(2) The term "broadcasting station" has the same meaning as such term has under section 315(f) of the Communications Act of 1934.

Post, p. 7.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE AND RELATED REQUIREMENTS

66 Stat. 717.
47 USC 315.

SEC. 103. (a)(1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

74 Stat. 894.
47 USC 312.

(2)(A) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new paragraph:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.".

(B) The second sentence of section 315(a) of such Act is amended by inserting "under this subsection" after "No obligation is imposed".

Nonbroadcast media rates.

(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a) (1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents multiplied by the voting age population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or

(ii) $50,000, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

Primaries.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations,

on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

Presidential primaries.

(3) (A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

Ante, p. 4; *Post*, p. 7.

Regulations.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for

the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

"Price index."

(4)(A) For purposes of subparagraph (B):

(i) The term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"Base period."

(ii) The term "base period" means the calendar year 1970.

Publication in Federal Register.

(B) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1)(A)(i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

Publication in Federal Register.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

Post, p. 7.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media, and

(B) any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

Certification requirement.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the

person making such charge that the payment of such charge will not violate paragaph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections: 66 Stat. 717. 47 USC 315.

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable. *Ante*, p. 5.

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a)(1)(B) or 104(a)(2)(B) (whichever is applicable) of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

"(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection. Penalty. 47 USC 501-503.

"(f)(1) For the purposes of this section: Definitions.

"(A) The term 'broadcasting station' includes a community antenna television system.

"(B) The terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, means the operator of such system.

"(C) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

"(2) For purposes of subsections (c) and (d), the term 'legally qualified candidate' means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors."

REGULATIONS

SEC. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

PENALTIES

SEC. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than $5,000 or by imprisonment of not more than five years, or both.

TITLE II—CRIMINAL CODE AMENDMENTS

62 Stat. 719.

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

§ 591. Definitions

Post, pp. 9, 10.

"When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

USC prec. title 1.

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee; Exception.

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure: and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows: 62 Stat. 721.

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"Immediate family."

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

Penalty.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

Repeal. 62 Stat. 723.

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"Contribution or expenditure."

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction.".

SEC. 206. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than $5,000 or imprisoned not more than five years, or both.".

SEC. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors.".

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

SEC. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States; USC prec. title 1.

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expres-

sion of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

2 USC prec. title 1.

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

Exception.

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of $10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and

address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

Recordkeeping.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

Receipts, preservation.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

Unauthorized activities, notice.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

Funds solicitation, notice.

(f)(1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.".

Annual report.

(2)(A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the supervisory officer.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Receipts and expenditures.

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of $5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.

Completion date, exception.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragragh (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of $100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

Compliance relief.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

Debts, pledges, etc., separate schedules.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE SUPERVISORY OFFICER

SEC. 308. (a) It shall be the duty of the supervisory officer—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare, publish, and furnish to the person required to

file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

Public inspection.

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

Annual report.

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

Reports.

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

Information dissemination.

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

Rules and regulations.

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

Comptroller General, information and studies.

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and
(3) voting and counting methods.

Publication.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

Violation.

(d) (1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

Hearing opportunity; injunction.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

Judicial review.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court 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.

62 Stat. 928.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH STATE OFFICERS

SEC. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State. For purposes of this subsection, the term "appropriate State" means—

"Appropriate State."

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

(2) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in,

or Delegate or Resident Commissioner to, the Congress of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)— State officer, duties.

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE IV—GENERAL PROVISIONS

EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office. *Ante*, p. 11.

PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Fed- 78 Stat. 508. 42 USC 2701 note. "Election."

Ante, p. 11. "Federal office."

eral Election Campaign Act of 1971, and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

EFFECT ON STATE LAW

SEC. 403. (a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(b) Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.

PARTIAL INVALIDITY

SEC. 404. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

43 Stat. 1070.

SEC. 405. The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

EFFECTIVE DATE

SEC. 406. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Approved February 7, 1972.

Public Law 92-226

February 7, 1972
[S. 2819]

AN ACT

To amend the Foreign Assistance Act of 1961, and for other purposes.

Foreign Assistance Act of 1971.

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 Assistance Act of 1971".

FOOD-FOR-PEACE PROGRAM

75 Stat. 424. 22 USC 2151 note.

SEC. 2. It is the sense of the Congress that funds to administer the food-for-peace program should not be reduced as the result of any reduction in the authorizations provided to carry out the Foreign Assistance Act of 1961.

PART I—ECONOMIC ASSISTANCE

DEVELOPMENT LOAN FUND

SEC. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Development Loan Fund, is amended as follows: 75 Stat. 426. 22 USC 2161.

(a) In section 202(a), relating to authorization— 83 Stat. 805. 22 USC 2162.

(1) strike out "and $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$350,000,000 for the fiscal year 1971, $250,000,000 for the fiscal year 1972, and $250,000,000 for the fiscal year 1973"; and

(2) strike out "and June 30, 1971" and insert in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

(b) In section 203, relating to fiscal provisions, strike out "and for the fiscal year 1971" and insert in lieu thereof ", for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973". 22 USC 2163.

(c) In section 209, relating to multilateral and regional programs— Multilateral programs. 81 Stat. 449. 22 USC 2169.

(1) strike out subsection (a) and insert in lieu thereof the following: "(a) The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations may contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance.";

(2) insert at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of law, the President should reduce the amounts and numbers of loans made by the United States directly to individual foreign countries with the objective of reducing the total amount of bilateral loans made under this Act so that, by not later than June 30, 1975, such total amount shall not exceed $100,000,000. Bilateral lending programs, reduction.

"(d) In furtherance of the provisions of subsection (a) of this section, any funds appropriated under this part I may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions and multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries."; and Transfer of funds.

(3) strike out of subsection (b) "REGIONAL PROGRAMS.—".

(d) Section 205, relating to transfers to international financial institutions, is repealed. Repeal. 80 Stat. 797. 22 USC 2165.

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

75 Stat. 427; 83 Stat. 806. 22 USC 2171. 83 Stat. 805. 22 USC 2172.

SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended as follows:

(a) In section 212, relating to authorization, strike out "$183,500,000 for the fiscal year 1970, and $183,500,000 for the fiscal year 1971" and insert in lieu thereof "$175,000,000 for the fiscal year 1972, and $175,000,000 for the fiscal year 1973".

22 USC 2174.

(b) In section 214(c), relating to authorization for American schools and hospitals abroad, strike out "for the fiscal year 1970, $25,900,000, and for the fiscal year 1971, $12,900,000" and insert in lieu thereby "for the fiscal year 1972, $30,000,000 and for the fiscal year 1973, $30,000,000".

(c) At the end of such title II, add the following new section:

"SEC. 220A. SUEZ CANAL.—The President is authorized to furnish financial assistance, on such terms and conditions as he may determine, for assisting in the reopening of the Suez Canal after agreement has been reached by the parties involved, which agreement provides for the use of the Canal by the ships of all nations, including Israel, on a nondiscriminatory basis. For the purpose of carrying out this section, there are authorized to be appropriated not to exceed $10,000,000 in Egyptian pounds now owned by the United States and determined by the President to be excess to the normal requirements of departments and agencies of the United States. Amounts appropriated under this section are authorized to remain available until expended.".

HOUSING GUARANTIES

83 Stat. 807. 22 USC 2181.

SEC. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, strike out "$130,000,000" and insert in lieu thereof "$205,000,000".

22 USC 2183.

(b) In section 223(i), strike out "June 30, 1972" and insert in lieu thereof "June 30, 1974".

OVERSEAS PRIVATE INVESTMENT CORPORATION

22 USC 2191.

SEC. 104. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

22 USC 2198.

(a) In the first proviso of section 238(c), relating to definitions, strike out "required by law to be".

22 USC 2199.

(b) At the end of section 239, relating to general provisions and powers, add the following new subsection:

Yugoslavia and Romania.

"(g) Except for the provisions of this title, no other provision of this or any other law shall be construed to prohibit the operation in Yugoslavia or Romania of the programs authorized by this title, if the President determines that the operation of such program in such country is important to the national interest.".

22 USC 2200.

(c) Section 240(h), relating to agricultural credit and self-help community development projects, is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

ALLIANCE FOR PROGRESS

SEC. 105. Section 252(a) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization for the Alliance for Progress, is amended— 83 Stat. 818. 22 USC 2212.

(1) by striking out "for the fiscal year 1970, $428,250,000, and for the fiscal year 1971, $428,250,000" and inserting in lieu thereof "for the fiscal year 1972, $295,000,000, and for the fiscal year 1973, $295,000,000"; and

(2) by striking out "$90,750,000" and inserting in lieu thereof "$88,500,000".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 106. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows: 81 Stat. 453. 22 USC 2219a.

"SEC. 292. AUTHORIZATION.—Of the funds provided to carry out the provisions of this part I for each of the fiscal years 1972 and 1973, $125,000,000 shall be available in each such fiscal year only to carry out the purposes of this title, and, notwithstanding any other provisions of this Act, funds used for such purposes may be used on a loan or grant basis.". 22 USC 2151.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 107. Section 302 of chapter 3 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows: 80 Stat. 801; 83 Stat. 819. 22 USC 2222.

(a) In subsection (a), strike out "for the fiscal year 1970, $122,620,000, and for the fiscal year 1971, $122,620,000" and insert in lieu thereof "for the fiscal year 1972, $138,000,000, and for the fiscal year 1973, $138,000,000".

(b) In subsection (b)(2)—

(1) strike out "for use in the fiscal year 1970, $7,530,000, and for use in the fiscal year 1971, $7,530,000" and insert in lieu thereof "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000"; and

(2) add at the end thereof the following new sentence: "The President shall not exercise any special authority granted to him under section 610(a) or 614(a) of this Act to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this Act.". 75 Stat. 442, 444. 22 USC 2360, 2364.

(c) In subsection (e), strike out "$1,000,000 for the fiscal year 1970 and $1,000,000 for the fiscal year 1971" and insert in lieu thereof "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973".

(d) At the end of such section 302, add the following new subsection: Arab refugees, assistance.

"(f) There are authorized to be appropriated to the President, in addition to other amounts available for such purposes, $1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973, in Egyptian pounds owned by the United States and determined by the President to be excess to the requirements of departments and agencies of the United States, for the purpose of providing technical and vocational training and other assistance to Arab refugees. Amounts appropriated under this subsection are authorized to remain available until expended.".

CONTINGENCY FUND

East Pakistan.
83 Stat. 819; 84 Stat. 1942.
22 USC 2261.

SEC. 108. Section 451(a) of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended by striking out "for the fiscal year 1970 not to exceed $15,000,000, and for the fiscal year 1971 not to exceed $30,000,000" and inserting in lieu thereof "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000".

INTERNATIONAL NARCOTICS CONTROL AND REFUGEE RELIEF ASSISTANCE

75 Stat. 424; 80 Stat. 802.
22 USC 2151.

SEC. 109. Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapters:

"CHAPTER 8—INTERNATIONAL NARCOTICS CONTROL

"SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

84 Stat. 1236.
21 USC 801 note.

82 Stat. 1320.
22 USC 2751 note.
80 Stat. 1526.
7 USC 1701.

"CHAPTER 9—REFUGEE RELIEF ASSISTANCE

East Pakistan.

"SEC. 491. REFUGEE RELIEF ASSISTANCE.—There is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed $250,000,000, to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan. Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies.".

PART II—MILITARY ASSISTANCE

SEC. 201. Part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows: 75 Stat. 434; 81 Stat. 455. 22 USC 2301.

(a) In section 504(a), relating to authorization, strike out "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$500,000,000 for the fiscal year 1972". 83 Stat. 819. 22 USC 2312.

(b) In section 505(b)(2), relating to conditions of eligibility, strike out "and" and insert in lieu thereof "or". 22 USC 2314.

(c) Section 505(e), relating to conditions of eligibility, is repealed. Repeal. 80 Stat. 803; 81 Stat. 456.

(d) In section 506(a), relating to special authority— 83 Stat. 820. 22 USC 2318.

(1) strike out "1970 and the fiscal year 1971" and insert in lieu thereof "1972"; and

(2) strike out "each of the fiscal years 1970 and 1971" and insert in lieu thereof "the fiscal year 1972".

(e) Section 507(a), relating to restrictions on military aid to Latin America, is amended to read as follows: "(a) Except as otherwise provided in this section, the value of defense articles furnished by the United States Government under this Act to Latin American countries shall not exceed $10,000,000. Not to exceed $25,000,000 in value of defense articles may be furnished under this part on a cost-sharing basis to an inter-American military force under the control of the Organization of American States.". Limitation. 75 Stat. 438; 81 Stat. 457. 22 USC 2319.

(f) At the end of chapter 2 of such part II, add the following new sections: 22 USC 2311.

"SEC. 511. CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE.—Decisions to furnish military assistance made under this part shall take into account whether such assistance will—

"(1) contribute to an arms race;

"(2) increase the possibility of outbreak or escalation of conflict; or

"(3) prejudice the development of bilateral or multilateral arms control arrangements.

"SEC. 512. MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS.—(a) It is the sense of Congress that the need for large United States military assistance advisory groups and military aid missions in foreign countries has diminished substantially during the last few years. In the words of the Peterson Task Force Report on International Development, 'The United States now can reduce its supervision and advice to a minimum, thus encouraging progress toward self-reliance. United States military missions and advisory groups should be consolidated with other elements in our overseas missions as soon as possible.'

"(b) In accordance with the provisions of subsection (a) of this section, the total number of United States military personnel assigned and detailed, as of September 30, 1971, to United States military assistance advisory groups, military missions, and other organizations of the United States performing activities similar to such groups and missions, shall be reduced by at least 15 per centum by September 30, 1972, but every effort should be made to effect an aggregate reduction of 25 per centum by September 30, 1972.

"SEC. 513. MILITARY ASSISTANCE AUTHORIZATIONS FOR THAILAND.—After June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act. 22 USC 2751 note.

"SEC. 514. SPECIAL FOREIGN COUNTRY ACCOUNTS.—(a) Except as otherwise provided in this section, no defense article may be given, and no grant of military assistance may be made, under this Act to a foreign country unless the country agrees—

"(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

"(A) in the case of any excess defense article to be given to that country, an amount equal to 10 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

"(B) in the case of a grant of military assistance to be made to that country, an amount equal to 10 per centum of each such grant; and

"(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

75 Stat. 527.
22 USC 2451 note.

"(b) The President may waive any amount of currency of a foreign country required to be deposited under subsection (a)(1) of this section if he determines that the United States Government will be able to pay all of its official costs payable in the currency of that country enumerated under subsection (a)(2) of this section without the deposit of such amount and without having to expend United States dollars to purchase currency of that country to pay such costs.

Presidential waiver authority.

"(c) The provisions of this section shall not apply in any case in which an excess defense article is given, or a grant of military assistance is made—

Nonapplicability.

"(1) to a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that article or grant; and

"(2) to South Vietnam, Cambodia, or Laos.

"(d) In no event shall any foreign country be required, under this section, to make deposits in a special account aggregating more than $20,000,000 in any one year.".

75 Stat. 434; 81 Stat. 455.
22 USC 2301.

SEC. 202. (a) At the end of such part II, add the following new chapter:

"CHAPTER 4—SECURITY SUPPORTING ASSISTANCE

"SEC. 531. GENERAL AUTHORITY.—The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this Act on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this chapter shall not be used to furnish assistance to more than twelve countries in any fiscal year.

"SEC. 532. AUTHORIZATION.—There is authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel: *Provided*, That where commodities are furnished on a grant basis under this chapter under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs

Israel, funds availability.

unless the President or his representative has given prior written approval. Amounts appropriated under this section are authorized to remain available until expended. None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange, and the rate of exchange for United States Government purchases of piasters for goods and services, between said Government and the United States is fair to both countries.

"SEC. 533. UNITED STATES REFUND CLAIMS.—It is the sense of the Congress that the President should seek the agreement of the Government of Vietnam to the establishment and maintenance of a separate special account of United States dollars, which account shall be available solely for withdrawals by the United States, at such times and in such amounts as the President may determine, in satisfaction of United States dollar refund claims against the Government of Vietnam arising out of operations conducted under this Act. Such account should be established in an amount not less than $10,000,000 and maintained thereafter at a level sufficient to cover United States refund claims as they arise.".

(b) Chapter 4 of part I of the Foreign Assistance Act of 1961 is hereby repealed. References to such chapter or any sections thereof shall hereafter be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section, or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 shall hereafter be deemed to be references also to chapter 4 of part II, and all references to part II of such Act shall be deemed not to include chapter 4 of such part II.

Repeal. 75 Stat. 434; 81 Stat. 454. 22 USC 2241. 22 USC 2151. 22 USC 2301.

PART III—GENERAL AND ADMINISTRATIVE PROVISIONS

SEC. 301. Section 620 of chapter 1 of part II of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsections:

75 Stat. 444. 22 USC 2370.

"(v) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. Notwithstanding the preceding sentence, in no event shall the aggregate amount of (1) assistance furnished to Greece under this Act, and (2) sales made to Greece under the Foreign Military Sales Act, in any fiscal year, exceed the aggregate amount expended for such assistance and such sales for the fiscal year 1971.

Greece, restriction; waiver, report to Congress. 82 Stat. 1320. 22 USC 2751 note.

"(w)(1) All military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on the date of enactment of this subsection.

Pakistan, assistance suspension.

"(2) The provisions of this subsection shall cease to apply when the President reports to the Congress that the Government of Pakistan

Report to Congress.

is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties.

"(3) Nothing in this section shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, or monitored under international auspices.".

Coordinator for security assistance.
75 Stat. 447; 76 Stat. 262.
22 USC 2384.

SEC. 302. Section 624 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to statutory officers, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs.".

83 Stat. 821.
22 USC 2397.

SEC. 303. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorization for administrative expenses of the agency administering part I, is amended by striking out "for the fiscal year 1970, $51,125,000, and for the fiscal year 1971, $51,125,000" and inserting in lieu thereof "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000".

84 Stat. 1943.
22 USC 2411.

SEC. 304. (a) (1) Section 652 of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended to read as follows:

Advance notice to Congress.
22 USC 2318, 2360, 2364.

"SEC. 652. LIMITATION UPON EXERCISE OF SPECIAL AUTHORITIES.—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614(a) of this Act unless the President, prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.".

Repeal.
75 Stat. 437; 81 Stat. 457.
75 Stat. 455.
22 USC 2394.

(2) The last sentence of section 506(a) of such Act, relating to special authority, is repealed.

(3) The last sentence of section 634(d) of such Act, relating to reports and information, is amended by striking out "610, 614(a)," and inserting in lieu thereof "610(b),".

22 USC 2401.

(b) Chapter 3 of part III of such Act is amended by adding at the end thereof the following new sections:

Report to Congress.

"SEC. 653. CHANGE IN ALLOCATION OF FOREIGN ASSISTANCE.—(a) Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this Act (other than section 451 or 637), the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each. Notwithstanding any other provision of law, the United States Government shall not provide to any foreign country or international organization any funds under that law which exceeds by 10 per centum the amount of military grant assistance or security supporting assistance, as the case may be, which the President notified the Congress that the United States Government intended to provide that country or organization under that law, unless the President (1) determines that it is in the security interests of the United States that such country or organization receive funds in excess of the amount included in such notification for that country or organization, and (2) reports to Con-

Ante, p. 24; *Supra*.

gress, at least ten days prior to the date on which such excess funds are to be provided to that country or organization, each such determination, including the name of the country or organization to receive funds in excess of such per centum, the amount of funds in excess of that per centum which are to be provided, and the justification for providing the additional assistance.

Nonapplicability.

"(b) The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 614(a) of this Act.

75 Stat. 444; 80 Stat. 805.

"SEC. 654. PRESIDENTIAL FINDINGS AND DETERMINATIONS.—(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

22 USC 2364.

Written report to Congress.

82 Stat. 1320.

22 USC 2751 note.

"(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

"(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

Publication in Federal Register.

"(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

Information, access prior to report.

"SEC. 655. LIMITATIONS UPON ASSISTANCE TO OR FOR CAMBODIA.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of $341,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1972.

"(b) In computing the $341,000,000 limitation on obligation authority under subsection (a) of this section in fiscal year 1972. (1) there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise, and (2) there shall not be included in the computation the value of any goods, supplies, materials, or equipment attributable to the operations of the Armed Forces of the Republic of Vietnam in Cambodia. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33⅓ per centum of

"Value."

the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(c) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

Nonapplicability.

"(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation of funds to carry out combat air operations over Cambodia.

Cambodian aid request, written report to Congress.

"(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

Funds for Cambodia, quarterly reports to Congress.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds obligated in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

"(g) Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense.

"SEC. 656. LIMITATIONS ON UNITED STATES PERSONNEL AND PERSONNEL ASSISTED BY UNITED STATES IN CAMBODIA.—The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government.

"Executive agency of the United States Government."

"SEC. 657. ANNUAL FOREIGN ASSISTANCE REPORT.—(a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the

fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

"(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

"(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

"(3) the aggregate dollar value of all arms, ammunitions, and other implements of war, and the aggregate dollar value of each category of such arms, ammunitions, and implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year; and

"(4) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1)–(3) of this subsection.

Public information; supplemental report.

"(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

"(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

Definitions.

"(d) For purposes of this section—

"(1) 'foreign assistance' means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country;

"(2) 'provided by the United States Government' includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit sale, or guaranty; and

"(3) 'value' means value at the time of transfer except that in no case shall any commodity or article of equipment or

material be considered to have a value less than one-third of the amount the United States Government paid at the time the commodity or article was acquired by the United States Government.

"SEC. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education, and Welfare have been released for obligation and expenditure.

82 Stat. 1320.
22 USC 2751 note.

Nonapplicability.

"(b) The provisions of this section shall not apply—

"(1) to funds being withheld in accordance with specific requirements of law; and

"(2) to appropriations obligated or expended prior to April 30, 1972.".

75 Stat. 461.
22 USC 2403.

(c)(1) Section 644(m) of such Act, relating to definitions, is amended by striking out—

"(m) 'Value' means—"

and inserting in lieu thereof—

Ante, p. 30.

"(m) 'Value' means, other than in section 657 of this Act—".

Repeal.
22 USC 2394.

(2) Subsection (a) of section 634 of such Act, relating to reports and information, is repealed.

Effective date.

(3) The provisions of this subsection and section 657 of such Act, as added by subsection (b) of this Act, shall apply with respect to each fiscal year commencing on or after July 1, 1971.

PART IV—MISCELLANEOUS PROVISIONS

Foreign military sales credits, ceiling.
84 Stat. 2053.
22 USC 2771.

SEC. 401. The Foreign Military Sales Act is amended as follows:

(a) In section 31(a) of chapter 3, relating to authorization, strike out "$250,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$400,000,000 for the fiscal year 1972".

(b) In section 31(b) of chapter 3, relating to aggregate ceiling on foreign military sales credits, strike out "$340,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel only".

82 Stat. 1325.
22 USC 2773.

(c) In section 33(a) of chapter 3, relating to regional ceilings on foreign military sales, strike out "$75,000,000" and insert in lieu thereof "$100,000,000".

(d) Subsection (c) of section 33 of chapter 3, relating to regional ceilings on foreign military sales, is amended to read as follows:

Presidential waiver authority; written report to Congress.

"(c) The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the expenditures proposed to be made in excess of the geographical limitation applicable under this section. Notwithstanding the foregoing provisions of this subsection, in no event shall the aggregate of the total amount of military assistance pursuant to

the Foreign Assistance Act of 1961, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, exceed any geographical ceiling applicable under this section by more than an amount equal to 50 per centum of such ceiling.".

75 Stat. 424.
22 USC 2151 note.
82 Stat. 1323.
22 USC 2761-2764.
70A Stat. 452.

(e) In section 42(a) of chapter 4, relating to general provisions—

82 Stat. 1326.
22 USC 2791.

(1) strike out "and" immediately before "(2)"; and

(2) immediately before the period at the end thereof insert the following: ", and (3) the extent to which such sale might 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".

(f) Section 42 of chapter 4, relating to general provisions, is amended as follows:

(1) In subsection (a), strike out "but consideration shall also be given" and insert in lieu thereof "but, subject to the provisions of subsection (b) of this section, consideration shall also be given".

(2) Redesignate subsections (b) and (c) as subsections (c) and (d), respectively, and, immediately after subsection (a), insert the following new subsection:

"(b) No credit sale shall be extended under section 23, and no guarantee shall be issued under section 24, in any case involving coproduction or licensed, production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under a license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.".

Production outside U.S., advance notice to Congress.

SEC. 402. Section 8 of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended—

Excess defense article.
22 USC 2321b.

(1) by striking out the first and second sentences of subsection (a) and inserting in lieu thereof the following: "Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development) shall be considered to be an expenditure made from funds appropriated under the Foreign Assistance Act of 1961 for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until

the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order.";

(2) by striking out, in subsection (b), "$100,000,000" and inserting in lieu thereof "$185,000,000"; and

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

Nonapplicability.
75 Stat. 434; 81 Stat. 455. 22 USC 2301.

"(e) Except for excess defense articles granted under part II of the Foreign Assistance Act of 1961, the provisions of this section shall not apply to any excess defense article granted to South Vietnam prior to July 1, 1972.".

80 Stat. 460; 84 Stat. 1888.

SEC. 403. Paragraph (9) of section 5314 of title 5, United States Code, relating to level III of the Executive Schedule, is amended by inserting before the period at the end thereof the following: "and an Under Secretary of State for Coordinating Security Assistance Programs".

Interparliamentary Union.

SEC. 404. The first section of the Act of June 28, 1935, entitled "An Act to authorize participation by the United States in the Interparliamentary Union" (22 U.S.C. 276), is amended as follows:

78 Stat. 1014; 81 Stat. 463.

(1) Strike out "$53,550" and insert in lieu thereof "$102,000".

(2) Strike out "$26,650" and insert in lieu thereof "$57,000".

(3) Strike out "$26,900" and insert in lieu thereof "$45,000".

North Atlantic Assembly.

SEC. 405. Section 2 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928b), is amended as follows:

70 Stat. 523.

(1) Strike out "$30,000" and insert in lieu thereof "$50,000".

(2) Strike out "$15,000" each place it appears and insert in lieu thereof in each such place "$25,000".

83 Stat. 821. 22 USC 290f.

SEC. 406. Part IV of the Foreign Assistance Act of 1969 is amended as follows:

(1) Strike out the title of such part and insert in lieu thereof the following:

"PART IV—THE INTER-AMERICAN FOUNDATION ACT".

Inter-American Foundation, establishment.

(2) The caption of section 401 and subsection (a) of such section of that part are amended to read as follows: "INTER-AMERICAN FOUNDATION.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the 'Foundation')."

(3) Section 401 of such part is amended by striking out "Institute" wherever it appears and inserting in lieu thereof "Foundation".

(4) Section 401(e)(4) of such part is amended to read as follows:

"(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;".

President, appointment and compensation.

(5) Section 401(l) is amended to read as follows:

"(l)(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

80 Stat. 461; 83 Stat. 864.

"(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5, United States Code.". 80 Stat. 416.

SEC. 407. (a) It is the purpose of this section to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Acts of 1946 and 1970, with respect to— 60 Stat. 812; 84 Stat. 1140. 2 USC 72a note.

(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

(2) providing periodic authorizations of appropriations for that Department and Agency.

(b) Section 15 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2680) is amended to read as follows: State Department appropriation; information to congressional committees. 70 Stat. 892.

"SEC. 15. (a) Notwithstanding any other provision of law, no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress. *Post*, p. 490.

"(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.".

(c) The last sentence of section 13 of such Act (22 U.S.C. 2684) is repealed. Repeal. 77 Stat. 391.

(d) Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended to read as follows: 62 Stat. 11; *Post*, p. 494.

"PRIOR AUTHORIZATIONS BY CONGRESS

"SEC. 701. Notwithstanding any other provision of law, no appropriation shall be made to the Secretary of State, or to any Government agency authorized to administer the provisions of this Act, under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation enacted by the Congress after the date of enactment of the Foreign Assistance Act of 1971." *Ante*, p. 20.

SEC. 408. Section 7(a) of the Special Foreign Assistance Act of 1971 (84 Stat. 1943) is amended by striking out "Cambodian military forces" and inserting in lieu thereof "military, paramilitary, police, or other security or intelligence forces". Cambodia, restriction. 22 USC 2411 note.

SEC. 409. Section 401(a) of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is amended— Funds, availability for Vietnamese forces. 84 Stat. 910; 85 Stat. 427.

(1) by inserting in the second sentence of paragraph (1), after "to or for the use of the Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States"; and

(2) by inserting in the introductory matter preceding clause (A) of paragraph (2) of such section, after "Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States".

United Nations, U.S. assessed contribution.

SEC. 410. The Congress strongly urges the President to undertake such negotiations as may be necessary to implement that portion of the recommendations of the Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations (known as the "Lodge Commission") which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year.

Approved February 7, 1972.

Public Law 92-227

February 15, 1972
[H. R. 11487]

AN ACT

To authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Florida.

Chapel of the Astronauts, Inc., Fla. Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the National Aeronautics and Space Administration is authorized to convey for fair market value to the Chapel of the Astronauts, Incorporated, a nonprofit Florida corporation, all right, title, and interest of the United States in not to exceed seven acres of unimproved land situated adjacent to the present Visitor Information Center, John F. Kennedy Space Center, National Aeronautics and Space Administration, Brevard County, Florida, together with necessary rights of vehicular, pedestrian and utilities access, for the purpose of construction, operation, and maintenance thereon by the said corporation of a nondenominational, nonsectarian, nonprofit public facility for worship or meditation and a memorial to the Astronauts, who have served as envoys of all mankind in the exploration of outer space, including the moon and other celestial bodies, which facility shall be open at all times to any individual or group without discrimination as to race, creed, color, or national origin: *Provided*, That—

(1) such conveyance shall take place when the Administrator determines that (A) said corporation is ready, willing, and financially and otherwise able to construct, operate, and maintain the said facility, and (B) the plans for such facility are appropriate for the intended purpose, will not detract from the surrounding Government facilities and have made adequate provision for access by, and accommodation of, the public and for the safe operation of the facility and surrounding Government facilities; and

(2) the deed of conveyance shall include suitable covenants (A) restricting the use of the property to the purpose for which it was conveyed, (B) requiring the corporation to construct, maintain, and operate the facility for, and in a manner appropriate to, the purpose for which the property was conveyed, without at any time impairing the safety or interfering with the operation of surrounding Government facilities; and (C) providing that title to the land conveyed thereunder and any improvements thereon shall revert to the United States, without payment of compensation therefor, whenever the Administrator, or the official having jurisdiction and control over adjacent Government-owned land, determines that any of the foregoing covenants are being breached.

Termination.

SEC. 2. The authority to convey land to the Chapel of the Astronauts, Incorporated, under this Act shall terminate two years after the date of enactment of this Act.

Approved February 15, 1972.

Public Law 92-228

AN ACT

To provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

February 15, 1972
[H. R. 7987]

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 birth of the United States and the historic events preceding and associated with the American Revolution, the Secretary of the Treasury (hereafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, each with suitable emblems, devices, and inscriptions to be determined by the American Revolution Bicentennial Commission (hereafter referred to as the "Commission") subject to the approval of the Secretary.

American Revolution bicentennial.
Commemorative medals.

SEC. 2. A national medal shall be struck commemorating the year 1776 and its significance to American independence. In addition to the national medal, a maximum of thirteen medals each of a different design may be struck to commemorate specific historical events of great importance, recognized nationally as milestones in the continuing progress of the United States of America toward life, liberty, and the pursuit of happiness.

SEC. 3. The Secretary shall strike and furnish to the Commission such quantities of medals as may be necessary, with a minimum order of two thousand medals of each design or size. They shall be made and delivered at such times as may be required by the Commission, but no medals may be made after December 31, 1983.

Time limitation.

SEC. 4. The medals authorized under this Act are national medals within the meaning of section 3851 of the Revised Statutes (31 U.S.C. 368).

Rev. Stat. 3551.

SEC. 5. The medals shall be furnished by the Secretary at a price equal to the cost of the manufacture, including labor, materials, dies, use of machinery, and overhead expenses.

Cost.

Approved February 15, 1972.

Public Law 92-229

AN ACT

To change the name of the Columbia Lock and Dam, on the Chattahoochee River, Alabama, to the George W. Andrews Lock and Dam.

February 15, 1972
[H. R. 12488]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Columbia Lock and Dam on the Chattahoochee River, Alabama, shall be known and designated hereafter as the George W. Andrews Lock and Dam. The reservoir formed by such dam shall be known and designated hereafter as Lake George W. Andrews. Any law, regulation, map, or record of the United States in which such lock and dam is referred to shall be held and considered to refer to such lock and dam by the name of the "George W. Andrews Lock and Dam", and in which such reservoir is referred to shall be held and considered to refer to such reservoir by the name of "Lake George W. Andrews".

George W. Andrews Lock and Dam.

Approved February 15, 1972.

Public Law 92-230

February 15, 1972
[S. 959]

AN ACT

To designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona.

Pine Mountain Wilderness, Ariz. Designation.
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 of September 3, 1964 (78 Stat. 891), the area classified as the Pine Mountain Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Pine Mountain Wilderness," dated April 1, 1966, 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 Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, comprising an area of approximately nineteen thousand five hundred acres.

Map and description, filing with congressional committees.

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 Pine Mountain Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such 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 legal description and map may be made.

Administration.

SEC. 3. The Pine Mountain 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.

SEC. 4. The previous classification of the Pine Mountain Primitive Area is hereby abolished.

Approved February 15, 1972.

Public Law 92-231

February 15, 1972
[S. 1838]

AN ACT

To amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

Perishable agricultural commodities.
48 Stat. 586; 76 Stat. 675.
50 Stat. 728; 52 Stat. 953.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (c) and (d) of section 6 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f), are amended by striking out "$1,500" in each place it appears and inserting in lieu thereof "$3,000".

SEC. 2. Section 7(a) of such Act (7 U.S.C. 499g(a)) is amended by inserting after the first sentence thereof the following: "The Secretary shall order any commission merchant, dealer, or broker who is the losing party to pay the prevailing party, as reparation or additional reparation, reasonable fees and expenses incurred in connection with any such hearing."

Approved February 15, 1972.

Public Law 92-232

JOINT RESOLUTION

February 15, 1972
[S. J. Res. 196]

Extending the date for transmission to the Congress of the report of the Joint Economic Committee.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee", approved December 22, 1971 (Public Law 92-216; 85 Stat. 778), is amended by striking out "March 10, 1972" and by inserting in lieu thereof "March 28, 1972".

Economic report.

Approved February 15, 1972.

Public Law 92-233

AN ACT

February 15, 1972
[S. 2672]

To permanently exempt potatoes for processing from marketing orders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended as follows:

Potatoes. Marketing orders, exemption.
68 Stat. 906; 75 Stat. 304; 84 Stat. 14.
7 USC 608c.

(1) In clause (A) after the words "vegetables (not including vegetables, other than asparagus, for canning or freezing", insert the words "and not including potatoes for canning, freezing, or other processing"; and

(2) In clause (B) after the words "fruits and vegetables for canning or freezing," insert the words "including potatoes for canning, freezing, or other processing".

Approved February 15, 1972.

Public Law 92-234

JOINT RESOLUTION

February 17, 1972
[S. J. Res. 153]

To designate the week which begins on the first Sunday in March, 1972, as "National Beta Club Week".

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 the week which begins on the first Sunday in March, 1972, as "National Beta Club Week", to recognize the National Beta Club for its dedication to the positive accomplishments of American youth and to encourage the furthering of its goals to promote honesty, service, and leadership among the high school students in America.

National Beta Club Week. Designation authorization.

Approved February 17, 1972.

Public Law 92-235

February 21, 1972
[S. J. Res. 197]

JOINT RESOLUTION

To provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

Whereas there is a dispute between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called employers), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union; and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935 WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176–178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts and transportation services essential to the national interest are not being maintained; and

Whereas it is vital to the national interest that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Pacific coast dock strike.
Settlement procedure.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) an arbitration board shall be established herein to hear and settle all issues in this dispute, and to issue a determination which shall be deemed a final and binding resolution, understanding, and agreement between the parties and shall also be deemed to supersede to the extent inconsistent therewith all other agreements or understandings between the parties: *Provided*, That proceedings under this joint resolution shall be terminated immediately upon certification, in writing, by the parties to the Secretary of Labor that they have reached complete agreement on the disposition of all the issues. The determination of the arbitration board shall be effective for the period stated therein, which may not be less than eighteen months. During such period, there shall be no resort to strike or lockout as between the parties.

Strike prohibition.

(b) From the date of enactment of this joint resolution until the arbitration board makes its determination, there shall be no resort to strike or lockout as between the parties, and no change, except by agreement of the parties, in the terms and conditions of employment as prescribed in the court order in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C–17–1935–WTS, October 6, 1971.

"Parties."

(c) For the purpose of this joint resolution the term "parties" means (1) the International Longshoremen's and Warehousemen's Union and (2) the Pacific Maritime Association, and all employers who are members of that association.

SEC. 2. (a) There is established an arbitration board (hereinafter referred to as the "board") which shall be constituted in the following manner: Arbitration board, establishment.

(1) Within three days after the enactment of this joint resolution, both parties to the dispute, by agreement, may designate one individual to perform the functions and exercise the powers of the board.

(2) In the event that the parties do not agree upon an individual under paragraph (1) of this section, each party shall within three days immediately following the expiration of the three-day period under paragraph (1), designate an individual to serve on the board. The two members of the board so designated shall select, within three days after their appointment, a third individual to be a member and act as chairman of the board. In the event that the two members of the board designated by the parties cannot agree on the selection of the third member as chairman under this paragraph, within three days after their appointment, the third member who shall be the chairman shall be selected by the chief judge of the United States district court for the Northern District of California.

(3) In the event that either party does not designate a member under paragraph (2) of this subsection, then the chief judge of the United States district court for the Northern District of California shall designate one individual to exercise the powers of the board.

(b) The board shall make all necessary rules for conducting its hearings and giving to the parties and all other persons it determines may be directly affected by the board's determination notice and a full and fair hearing, which shall include an opportunity to present their case in person, by counsel, or by other representative as they may select.

(c) For the purpose of hearings conducted by the board, it shall have authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act (15 U.S.C. 49, 50). 38 Stat. 722.

(d) The board shall begin its hearings no more than fifteen days after enactment. The board shall make its determination no later than forty days after enactment.

(e) In its determination the board shall resolve all the issues in the dispute.

(f) The board's determination shall be retroactive to the date of enactment of this resolution. The board may make such further provisions for retroactivity to a date prior to the enactment of this resolution, if any, as it finds appropriate and consistent with the terms of this resolution.

(g) The board shall make its determination consistent with the policy of the Economic Stabilization Act of 1971, and such determination shall be final and binding in every respect, subject only to review as provided in section 2(i). 85 Stat. 743. 12 USC 1904 note.

(h) In the event of disagreement as to the meaning of any part or all of a determination by the board, or as to the terms of all the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the board for clarification of its determination, whereupon the board shall reconvene and shall promptly issue a further determination, with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the board, be made with or without a further hearing, and shall be final and binding in every respect, subject only to review as provided in section 2(i).

Review.

(i) Any party, as defined in section 1, aggrieved by a determination of the board may, within fifteen days after its issuance, obtain review of the determination in the United States Court of Appeals for the Ninth Circuit. The decision of the court of appeals may be reviewed in the Supreme Court by writ of certiorari or upon certification as provided for in section 1254 (1) and (3), title 28, United States Code. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the determination of the board. A determination of the board shall be conclusive unless found to be arbitrary or capricious.

62 Stat. 928.

Compensation; travel expenses.

(j) Members of the board shall receive compensation at a rate of $250 per day when engaged in the work of the board as prescribed by this section, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

80 Stat. 499; 83 Stat. 190.

(k) For the purposes of carrying out its functions under this Act, the board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their home or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed. The board is also authorized to employ such support services as are necessary for its operation.

80 Stat. 416.

SEC. 3. (a) The Attorney General of the United States shall be authorized to maintain any civil action necessary to obtain compliance with any provision of this resolution.

Penalty.

(b) Any strike, lockout, or other concerted activity in violation of this resolution shall be subject to a penalty not to exceed $100,000. Each calendar day in which such a violation occurs shall be considered a separate violation.

Appropriation.

SEC. 4. There is authorized to be appropriated such sums as may be necessary for the implementation of this resolution.

Approved February 21, 1972.

Public Law 92-236

March 1, 1972
[S. 1857]

AN ACT

To amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

American Revolution Bicentennial Commission.
Membership increase.
81 Stat. 567; 84 Stat. 1389.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b)(3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b)(4) is redesignated as section 2(b)(5) and is amended to read as follows:

"(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the Nation's people, with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions."

(3) By adding a new section 2(b)(4) to read as follows:

"(4) Four members of the Federal judiciary to be appointed by the Chief Justice of the United States;".

80 Stat. 259.

SEC. 2. Section 6(b) is amended to read as follows:

"SEC. 6. (b)(1) The Chairman, with the advice of the Commission, shall appoint a Director who will be compensated at level IV of the Executive Schedule, and three Deputy Directors who will be compensated at level V of the Executive Schedule. Such officers shall serve at the pleasure of the Chairman.

Director and Deputy Directors, appointment and compensation.
80 Stat. 461; 83 Stat. 864.
5 USC 5315.
5 USC 5316.

"(2) The Commission shall have power to appoint and fix the compensation of such additional personnel as it deems advisable and to appoint such advisory committees as it deems necessary.

Additional personnel.

"(3) The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission."

Commission powers and duties, delegation.

SEC. 3. Section 7(a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

Appropriation.
85 Stat. 86.

SEC. 4. Add at the end thereof the following new sections:

"SEC. 8. In carrying out the purposes of this Act, the Commission is further authorized to provide for:

Program implementation, authorization.

"(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information awareness and interest in the bicentennial;

"(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works programs, and projects relating to the bicentennial; and

"(3) a bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicentennial historical and commemorative significance.

"SEC. 9. The Commission is authorized to carry out a program of grants-in-aid in furtherance of the purposes of this Act. The Commission shall, subject to such regulations as it may prescribe:

Grants-in-aid.

"(1) Make equal grants in two successive years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor, to assist in the establishment or implementation of Bicentennial Commissions.

"SEC. 10. Appropriations or other funds available to any Government department or agency (including the Commission) for carrying out purposes related to or in furtherance of the bicentennial commemoration may be transferred between the Commission and any such Federal department or agency as may be mutually agreed between them. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of any such department or agency or the authorities of this Act, provided the activities come within the purposes of this Act."

Transfer of funds.

Approved March 1, 1972.

Public Law 92-237

March 1, 1972
[S. 7]

AN ACT

To provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes.

Buffalo National River, Ark. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed Buffalo National River" numbered NR–BUF–7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary is authorized to make minor revisions of the boundaries of the national river when necessary, after advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

Lands and waters, acquisition.

SEC. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation: *Provided*, That the Secretary may, with funds appropriated for development of the area, reimburse such State for its share of the cost of facilities developed on State park lands if such facilities were developed in a manner approved by the Secretary and if the development of such facilities commenced subsequent to the enactment of this Act: *Provided further*, That such reimbursement shall not exceed a total of $375,000. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

Retention rights.

(b) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access or public use, an owner or owners (hereafter referred to as "owner") of any improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or any owner of lands used solely for agricultural purposes (including, but not limited to, grazing) may retain, as a condition of the acquisition of such property or lands, a right of use and occupancy of such property for such residential or agricultural purposes. The term of the right retained shall expire upon the death of the owner or the death of his spouse, whichever occurs later, or in lieu thereof, after a definite term which shall not exceed twenty-five years after the date of acquisition. The owner shall elect, at the time of conveyance, the term of the right

reserved. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner. Such right may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act. Upon a determination that the property, or any portion thereof, has ceased to be used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

"Improved property."

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before September 3, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Hunting and fishing, rules and regulations.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

Water resource projects, restriction.

SEC. 4. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction on any such project, whether heretofore or hereafter authorized, without, at least sixty days in advance, (i) advising the Secretary, in writing, of its intention so to do and (ii) reporting to the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate, respectively, the nature of the project involved and the manner in which such project would conflict with the purposes of this Act or would affect the national river and the values to be protected by it under this Act.

49 Stat. 863.

Administration.

SEC. 5. The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available

to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

Area review; report to President.

SEC. 6. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the national river and 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 recommendation as to the suitability or nonsuitability of any area within the national river for preservation as a wilderness, and any designation of any such area as a wilderness, shall be accomplished in accordance with said subsections of the Wilderness Act.

Appropriation.

SEC. 7. For the acquisition of lands and interests in lands, there are authorized to be appropriated not more than $16,115,000. For development of the national river, there are authorized to be appropriated not more than $283,000 in fiscal year 1974; $2,923,000 in fiscal year 1975; $3,643,000 in fiscal year 1976; $1,262,000 in fiscal year 1977; and $1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended.

Approved March 1, 1972.

Public Law 92-238

March 1, 1972
[H. R. 8699]

AN ACT

To provide an Administrative Assistant to the Chief Justice of the United States.

Courts.
Chief Justice, Administrative Assistant.
62 Stat. 918.
28 USC 671.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 45 of title 28, United States Code, is amended by adding a new section providing as follows:

"§ 677. Administrative Assistant to the Chief Justice

"(a) The Chief Justice of the United States may appoint an Administrative Assistant who shall serve at the pleasure of the Chief Justice and shall perform such duties as may be assigned to him by the Chief Justice. The salary payable to the Administrative Assistant shall be fixed by the Chief Justice at a rate which shall not exceed the salary payable to the Director of the Administrative Office of the United States Courts. The Administrative Assistant may elect to bring himself within the same retirement program available to the Director of the Administrative Office of the United States Courts, as provided by section 611 of this title, by filing a written election with the Chief Justice within the time and in the manner prescribed by section 611.

81 Stat. 668.

"(b) The Administrative Assistant, with the approval of the Chief Justice, may appoint and fix the compensation of necessary employees. The Administrative Assistant and his employees shall be deemed employees of the Supreme Court."

SEC. 2. The section analysis of chapter 45—Supreme Court, of title 28, United States Code, is amended by adding at the end thereof a new section reference as follows:

"677. Administrative Assistant to the Chief Justice."

Approved March 1, 1972.

Public Law 92-239

AN ACT

March 1, 1972
[H. R. 9180]

To provide for the temporary assignment of a United States magistrate from one judicial district to another.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 636 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

U.S. magistrates, temporary assignment.
82 Stat. 1113.

"(e) In an emergency and upon the concurrence of the chief judges of the districts involved, a United States magistrate may be temporarily assigned to perform any of the duties specified in subsection (a) or (b) of this section in a judicial district other than the judicial district for which he has been appointed. No magistrate shall perform any of such duties in a district to which he has been temporarily assigned until an order has been issued by the chief judge of such district specifying (1) the emergency by reason of which he has been transferred, (2) the duration of his assignment, and (3) the duties which he is authorized to perform. A magistrate so assigned shall not be entitled to additional compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of his duties in accordance with section 635."

SEC. 2. The section heading of section 636 of title 28, United States Code, is amended to read as follows:

"§ 636. Jurisdiction, powers, and temporary assignment."

SEC. 3. The item relating to section 636 in the section analysis of chapter 43 of title 28, United States Code, is amended to read as follows:

"636. Jurisdiction, powers, and temporary assignment.".

Approved March, 1, 1972.

Public Law 92-240

AN ACT

March 1, 1972
[S. 3122]

To extend certain provisions of the Federal Water Pollution Control Act through June 30, 1972, and others through April 30, 1972.

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

Federal Water Pollution Control Act, extension.
80 Stat. 1247; 84 Stat. 111, 113; 85 Stat. 379.
33 USC 1155.

SECTION 1. Section 5(n) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.), is further amended by inserting after the first sentence thereof the following: "There is authorized to be appropriated not to exceed $9,000,000 for the period commencing November 1, 1971, and ending June 30, 1972, for the purpose of salaries and related expenses incurred during that period under this section. in addition to funds made available under Public Law 92–50 and Public Law 92–137. There is authorized to be appropriated not to exceed $30,000,000 for the period commencing November 1, 1971, and ending April 30, 1972, for otherwise carrying out this section and such amount shall be in addition to any other funds authorized for this section.".

85 Stat. 124; 379.

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act (33 U.S.C. 1157(a)) is amended by striking out "and for the four-month period ending October 31, 1971, $4,000,000." and inserting in lieu thereof "and for the fiscal year ending June 30, 1972, $15,000,000,".

85 Stat. 379.

SEC. 3. The second sentence of section 8(d) of the Federal Water Pollution Control Act (33 U.S.C. 1158(d)) is amended by striking out "$650,000,000 for the four-month period ending October 31. 1971." and inserting in lieu thereof "$1,650,000,000 for the period ending April 30, 1972.".

Approved March 1, 1972.

Public Law 92-241

March 6, 1972
[S. 960]

AN ACT

To designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona.

Sycamore Canyon Wilderness. Designation. 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 of September 3, 1964 (78 Stat. 891), the area classified as the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Sycamore Canyon Wilderness," dated September 30, 1971, 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 Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty-eight thousand five hundred acres.

Map and description, filing with congressional committees.

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 Sycamore Canyon Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such 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 legal description and map may be made.

Administration.

SEC. 3. The Sycamore Canyon 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.

SEC. 4. The previous classification of the Sycamore Canyon Primitive Area is hereby abolished.

Approved March 6, 1972.

Public Law 92-242

March 8, 1972
[H. R. 12067]

AN ACT

Making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

Foreign Assistance and Related Programs Appropriation Act, 1972.

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, 1972, and for other purposes, namely:

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, 1972, unless otherwise specified herein, as follows:

75 Stat. 424.
22 USC 2151 note.

ECONOMIC ASSISTANCE

Worldwide, technical assistance: For necessary expenses to carry out the provisions of section 211, $160,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress.

80 Stat. 797.
22 USC 2171.

Alliance for Progress, technical assistance: For necessary expenses to carry out the provisions of section 251 with respect to Alliance for Progress, technical assistance, $80,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress.

76 Stat. 257; 80 Stat. 799.
22 USC 2211.

International organizations and programs: For necessary expenses to carry out the provisions of section 301, $127,000,000, of which $15,000,000 shall be available only for the United Nations' Children's Fund: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress. It is the sense of the Congress that the total United States contribution to the International Atomic Energy Agency be negotiated by the State Department with the members of the IAEA in order to bring our contribution down to a per centum not to exceed 31.5. Progress made on these negotiations shall be reported to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives by September 30, 1972.

81 Stat. 453.
22 USC 2221.

International Atomic Energy Agency, U.S. contribution.

Report to congressional committees.

Programs relating to population growth: For necessary expenses to carry out the provisions of section 291, $125,000,000.

81 Stat. 452.
22 USC 2219.

American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, $20,000,000.

Ante, p. 22.

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, $10,000,000.

Ante, p. 23.

Indus Basin Development Fund, loans: For expenses authorized by section 302(b)(1), $12,000,000, to remain available until expended.

81 Stat. 454.
22 USC 2222.

Contingency fund: For necessary expenses, $30,000,000, to be used for the purposes set forth in section 451.

Ante, p. 24.

Refugee relief assistance (East Pakistan): For necessary expenses for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan, $200,000,000.

East Pakistan.

Alliance for Progress, development loans: For necessary expenses to carry out the provisions of section 251 with respect to Alliance for Progress, development loans, $150,000,000, together with such amounts as are provided for under section 203, all such amounts to remain available until expended.

83 Stat. 805; *Ante*, p. 21.
22 USC 2163.

Development loans: For necessary expenses to carry out the provisions of section 201, $200,000,000, together with such amounts as are provided for under section 203, all such amounts to remain available until expended.

75 Stat. 426.
22 USC 2161.

Administrative expenses: For necessary expenses, $50,000,000, to be used for the purposes set forth in section 637(a).

Ante, p. 28.

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, $4,221,000.

75 Stat. 460.
22 USC 2397.
22 USC 1613d.

Unobligated balances as of June 30, 1971, 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 1972, 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" and "Security Supporting Assistance", are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided*, 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.

68 Stat. 830; 73 Stat. 167.
31 USC 200.

Advance notice to congressional committees.

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, $500,000,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States.

75 Stat. 435; 81 Stat. 455.
22 USC 2311.

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, $550,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress: *Provided further*, That of the funds appropriated under this paragraph, not less than $50,000,000 shall be available for obligation for security supporting assistance for Israel only.

Ante, p. 26.

Israel, funds availability.

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.

61 Stat. 584.

Overseas Private Investment Corporation, reserves: For expenses authorized by section 235(f), $12,500,000, to remain available until expended.

83 Stat. 813.
22 USC 2195.

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.

61 Stat. 584.

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.

Engineering and architectural fees; biannual report to Congress.

SEC. 102. Obligations made from funds herein appropriated for engineering and architectural fees and services to any individual or group of engineering and architectural firms on any one project in excess of $25,000 shall be reported to the Senate and House of Representatives at least twice annually.

SEC. 103. Except for the appropriations entitled "Contingency fund", "Alliance for Progress, development loans", and "Development 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. 104. 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.
75 Stat. 424.
22 USC 2151 note.

SEC. 105. 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.

SEC. 106. 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.

Development research, appropriation limitation.

75 Stat. 433; 77 Stat. 382. 22 USC 2201.

SEC. 107. Of the funds appropriated or made available pursuant to this Act, not more than $9,000,000 may be used during the fiscal year ending June 30, 1972, in carrying out research under section 241 of the Foreign Assistance Act of 1961, as amended.

22 USC 2151 note.

SEC. 108. 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. 109. 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 amendment if it is important to the national interest.

Iron and steel products for Vietnam, restriction.

SEC. 110. 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. 111. 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.

Ante, p. 21. 80 Stat. 799. 22 USC 2211.

India and Pakistan, conditional assistance.

SEC. 112. None of the funds appropriated or made available pursuant to this Act may be used to provide assistance, except assistance relating to refugee relief and rehabilitation and humanitarian relief, to India and Pakistan while these countries are involved in armed conflict with one another, unless the President determines that the furnishing of such assistance is important to the national security of the United States and reports within thirty days each such determination to the Congress.

Ecuador.

SEC. 113. No part of any appropriations contained in this Act may be used to provide assistance to Ecuador, unless the President determines that the furnishing of such assistance is important to the national interest of the United States.

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

82 Stat. 1320. 22 USC 2751 note.

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $400,000,000.

TITLE III—FOREIGN ASSISTANCE (OTHER)

FUNDS APPROPRIATED TO THE PRESIDENT

PEACE CORPS

SALARIES AND EXPENSES

For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, $72,000,000, of which not to exceed $24,250,000 shall be available for administrative expenses. 22 USC 2501 note.

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

RYUKYU ISLANDS, ARMY, ADMINISTRATION

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, as authorized by the Act of July 12, 1960 (74 Stat. 461), as amended (81 Stat. 363); services as authorized by 5 U.S.C. 3109, of individuals not to exceed 10 in number; not to exceed $4,000 for contingencies for the High Commissioner, to be expended in his discretion; hire of passenger motor vehicles and aircraft; and construction, repair, and maintenance of buildings, utilities, facilities, and appurtenances, $4,216,000 of which not to exceed $3,314,000 shall be available for administrative and information expenses: *Provided*, That expenditures from this appropriation may be made outside the continental United States when necessary to carry out its purposes, without regard to sections 355 and 3648, Revised Statutes, as amended, section 4774(d) of title 10, United States Code, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency, without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Office of Management and Budget shall determine to relate primarily to any function or functions so transferred: *Provided further*, 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.

80 Stat. 416.

33 USC 733.
31 USC 529.
70A Stat. 269.

Transfer of functions, property.

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

76 Stat. 121.
22 USC 2601 note.

80 Stat. 416.
Secretary of State, reimbursement.

motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $139,000,000: *Provided*, That funds from this appropriation shall be used to reimburse the Secretary of State to cover the costs incurred by the Department of State in connection with the movement of refugees from Cuba to the United States.

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; $8,690,000, of which not to exceed $7,650,000 shall remain available until December 31, 1972: *Provided*, That no funds herein appropriated 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.

60 Stat. 999.
80 Stat. 510.

Security clearance.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

INTER-AMERICAN DEVELOPMENT BANK

Investment in Inter-American Development Bank: $211,760,000 to remain available until expended, of which $75,000,000 shall be available for paid in capital; $136,760,000 shall be available for callable ordinary capital.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

To pay for the increase in the United States subscription to the International Bank for Reconstruction and Development, as authorized by the Act of December 30, 1970 (Public Law 91–599), $123,050,000, to remain available until expended.

84 Stat. 1657.
22 USC 286e-1d.

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.

61 Stat. 584.
31 USC 849.

LIMITATION ON PROGRAM ACTIVITY

Not to exceed $7,323,675,000 (of which not to exceed $2,675,000,000 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 $8,072,000 (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 $18,000 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 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.

80 Stat. 416.

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.

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.

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.

SEC. 504. Not to exceed $1,200,000 of the funds appropriated under title I of this Act and for the Peace Corps under this Act may be used

to reimburse the expenses of the Inspector General, Foreign Assistance, of which amount not to exceed $1,028,000 may be expended for compensation for personnel. All obligations incurred during the period beginning February 23, 1972 and ending on the date of approval of this Act, for projects or activities for which provision is made in this Act are hereby ratified and confirmed if otherwise in accord with the applicable provisions of this Act.

Short title.

This Act may be cited as the "Foreign Assistance and Related Programs Appropriation Act, 1972".

Approved March 8, 1972.

Public Law 92-243

March 9, 1972
[S. 2896]

AN ACT

To amend chapter 83 of title 5, United States Code, relating to adopted child.

Civil service retirement.
Survivor annuities.
80 Stat. 577; 84 Stat. 1961.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 8341 (a)(3)(A) of title 5, United States Code, is amended by inserting before the semicolon the following: ", and (iii) a child who lived with and for whom a petition of adoption was filed by an employee or Member, and who is adopted by the surviving spouse of the employee or Member after his death".

Effective date.

SEC. 2. The amendment made by the first section of this Act is effective upon enactment. Upon application to the Civil Service Commission, it also applies to a child of an employee or Member who died or retired before such date of enactment but no annuity shall be paid by reason of the amendment for any period prior to the date of enactment.

Approved March 9, 1972.

Public Law 92-244

March 9, 1972
[H. R. 6291]

AN ACT

To provide for the disposition of funds arising from judgments in Indian Claims Commission dockets numbered 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes.

Indians.
Confederated Tribes of the Colville Reservation.
Judgment funds, disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds deposited to the credit of the Confederated Tribes of the Colville Reservation to pay a judgment arising out of proceedings before the Indian Claims Commission in docket numbered 178 and the funds appropriated by the Act of July 6, 1970 (84 Stat. 376), to pay a judgment in favor of the Confederated Tribes of the Colville Reservation, and others, in Indian Claims Commission docket numbered 179, and apportioned to the Confederated Tribes under the Act of April 24, 1961 (75 Stat. 45), and interest thereon, after payment of attorney fees and other litigation expenses, shall be distributed on a per capita basis, each share amounting to not more than $950, to the extent such funds are available, to each person born on or prior to and living on the date of this Act who meets the requirements for membership in the Confederated Tribes of the Colville Reservation. The remaining bal-

Per capita distribution.

ance of such funds, and the interest thereon, shall be combined and distributed with any other tribal funds that may hereafter become available for per capita distribution.

Tax exemption.

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income tax. Any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

Approved March 9, 1972.

Public Law 92-245

AN ACT

March 10, 1972
[S. 749]

To authorize United States contributions to the Special Funds of the Asian Development Bank.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new sections:

Asian Development Bank.
Special Funds, U.S. contributions.
80 Stat. 71.

"SEC. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in two annual installments of $60,000,000 and $40,000,000, beginning in fiscal year 1972. This contribution is referred to hereinafter in this Act as the 'United States Special Resources'.

"United States Special Resources."

"(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

17 UST 1418.

"SEC. 13. (a) The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The United States Special Resources shall be used by the Bank only for—

"(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(2) providing technical assistance credits on a reimbursable basis.

Eligible goods and services.

"(c)(1) The United States Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from, the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

Administrative expenses.

"(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

"(d) All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

"SEC. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which United States Special Resources are provided.

Letter of credit.

"SEC. 15. The United States Special Resources will be provided to the Bank in the form of a nonnegotiable, noninterest-bearing, letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

Withdrawal right.

"SEC. 16. The United States shall have the right to withdraw all or part of the United States Special Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

Appropriation.

"SEC. 17. For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $60,000,000 for fiscal year 1972 and $40,000,000 for fiscal year 1973, all of which shall remain available until expended.

Expropriation of U.S. property, loan restriction.

"SEC. 18. The President shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

17 UST 1270.

SEC. 2. The Asian Development Bank Act is amended by adding at the end thereof the following new section:

Illegal drug traffic, loan restriction.

"SEC. 19. The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the

government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

84 Stat. 1236.
21 USC 801 note.

Approved March 10, 1972.

Public Law 92-246

AN ACT

March 10, 1972
[S. 748]

To authorize payment and appropriation of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act (22 U.S.C. 283 et seq.) is amended by adding at the end thereof the following new sections:

Inter-American Development Bank.
Fund for Special Operations, U.S. contribution.
73 Stat. 299; 84 Stat. 1658.

"SEC. 19. (a) The United States Governor of the Bank is authorized to pay to the Fund for Special Operations two annual installments of $450,000,000 each in accordance with and subject to the terms and conditions of the resolution adopted by the Board of Governors on December 31, 1970, concerning an increase in the resources of the Fund for Special Operations and contributions thereto.

Appropriation.

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of the two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank.

"SEC. 20. The United States Governor of the Bank is authorized to agree to amendments to the provisions of the articles of agreement as provided in proposed Board of Governors resolutions entitled (a) 'Amendment of the Provisions of the Agreement Establishing the Bank with Respect to Membership and to Related Matters' and (b) 'Amendment of the Provisions of the Agreement Establishing the Bank with Respect to the Election of Executive Directors'.

Expropriation of U.S. property, loan restriction.

"SEC. 21. The President shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

17 UST 1270.

SEC. 2. The Inter-American Development Bank Act is amended by adding at the end thereof the following new section:

Illegal drug traffic, loan restriction.

"SEC. 22. The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

84 Stat. 1236.
21 USC 801 note.

Approved March 10, 1972.

Public Law 92-247

March 10, 1972
[S. 2010]

AN ACT

To provide for increased participation by the United States in the International Development Association.

International Development Association.
U.S. participation.
74 Stat. 293; 83 Stat. 10.
22 USC 284 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Development Association Act is amended by adding at the end thereof the following new sections:

"SEC. 11. The United States Governor is hereby authorized to agree on behalf of the United States to contribute to the Association three annual installments of $320,000,000 each as recommended in the 'Report of the Executive Directors to the Board of Governors on Additions to IDA Resources: Third Replenishment,' dated July 21, 1970. There is hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of three annual installments of $320,000,000 each for the United States share of the increase in the resources of the Association.

Appropriation.

Expropriation of U.S. property, loan restriction.

"SEC. 12. The President shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

17 UST 1270.

SEC. 2. The International Development Association Act is amended by adding at the end thereof the following new section:

"SEC. 13. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

Illegal drug traffic, loan restriction.

84 Stat. 1236. 21 USC 801 note.

Approved March 10, 1972.

Public Law 92-248

JOINT RESOLUTION

March 10, 1972
[S. J. Res. 189]

To authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action" and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to demonstrate the support and concern of the people of the United States, for the more than one thousand five hundred Americans listed as prisoners of war or missing in action in Southeast Asia, and to forcefully protest the inhumane treatment these men are receiving at the hands of the North Vietnamese, in violation of the Geneva Convention, the President is hereby authorized and requested to issue a proclamation (1) designating the period beginning March 26, 1972, and ending April 1, 1972, as "National Week of Concern for Prisoners of War/Missing in Action", (2) designating Sunday, March 26, 1972, as a national day of prayer for the lives and safety of these men, and (3) calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

National Week of Concern for Prisoners of War/Missing in Action. Designation authorization.

6 UST 3316.

Approved March 10, 1972.

Public Law 92-249

March 10, 1972
[H. R. 11738]

AN ACT

To amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes.

Boy Scout Jamborees.
Equipment and services, loans.
70A Stat. 142.
10 USC 2541.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 151 of title 10, United States Code, is amended by adding the following new section, and a corresponding item in the analysis.

"§ 2544. Equipment and other services: Boy Scout Jamborees

"(a) The Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Boy Scouts of America, for the use and accommodation of Scouts, Scouters, and officials who attend any national or world Boy Scout Jamboree, such cots, blankets, commissary equipment, flags, refrigerators, and other equipment and without reimbursement, furnish services and expendable medical supplies, as may be necessary or useful to the extent that items are in stock and items or services are available.

"(b) Such equipment is authorized to be delivered at such time prior to the holding of any national or world Boy Scout Jamboree, and to be returned at such time after the close of any such jamboree, as may be agreed upon by the Secretary of Defense and the Boy Scouts of America. No expense shall be incurred by the United States Government for the delivery, return, rehabilitation, or replacement of such equipment.

Bond.

"(c) The Secretary of Defense, before delivering such property, shall take from the Boy Scouts of America, good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

Transportation services.

"(d) The Secretary of Defense is hereby authorized under such regulations as he may prescribe, to provide, without expense to the United States Government, transportation from the United States or military commands overseas, and return, on vessels of the Military Sealift Command or aircraft of the Military Airlift Command for (1) those Boy Scouts, Scouters, and officials certified by the Boy Scouts of America, as representing the Boy Scouts of America at any national or world Boy Scout Jamboree, and (2) the equipment and property of such Boy Scouts, Scouters, and officials and the property loaned to the Boy Scouts of America, by the Secretary of Defense pursuant to this section to the extent that such transportation will not interfere with the requirements of military operations.

Bond.

"(e) Before furnishing any transportation under subsection (d), the Secretary of Defense shall take from the Boy Scouts of America, a good and sufficient bond for the reimbursement to the United States by the Boy Scouts of America, of the actual costs of transportation furnished under this section.

Reimbursement.

"(f) Amounts paid to the United States to reimburse it for expenses incurred under subsection (b) and for the actual costs of transportation furnished under subsection (d) shall be credited to the current applicable appropriations or funds to which such expenses and costs were charged and shall be available for the same purposes as such appropriations or funds.

"(g) Other departments of the Federal Government are authorized, under such regulations as may be prescribed by the Secretary thereof, to provide to the Boy Scouts of America, equipment and other services, under the same conditions and restrictions prescribed in the preceding subsections for the Secretary of Defense."

Approved March 10, 1972.

Public Law 92-250

AN ACT

To provide for a temporary increase in the public debt limit.

March 15, 1972
[H. R. 12910]

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, 1972, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act, as temporarily increased by section 2(a) of Public Law 92–5, shall be further temporarily increased by $20,000,000,000.

Public debt limit.
Temporary increase.
31 USC 757b.
85 Stat. 5.

Approved March 15, 1972.

Public Law 92-251

JOINT RESOLUTION

To provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

March 17, 1972
[S. J. Res. 190]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to create a commission to study the bankruptcy laws of the United States", approved July 24, 1970 (84 Stat. 468), is amended—

Commission on the Bankruptcy Laws of the U.S.
Term extension.
11 USC prec. 1 note.

(1) in subsection (c) of the first section, by striking out "within two years after the date of enactment of the joint resolution" and inserting in lieu thereof the following: "prior to June 30, 1973"; and

(2) in section 6, by striking out "$600,000" and inserting in lieu thereof "$826,000".

Appropriation increase.

Approved March 17, 1972.

Public Law 92-252

AN ACT

To amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

March 17, 1972
[S. 3244]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 709 of the Military Construction Authorization Act, 1970, as amended (83 Stat. 317, 84 Stat. 1224), is further amended by deleting from the penultimate sentence thereof "$3,000,000" and inserting in its place "$5,000,000".

International aeronautical exposition.
Additional funds.

Approved March 17, 1972.

Public Law 92-253

March 17, 1972
[S. 602]

AN ACT

To provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes.

Indians.
Confederated Salish and Kootenai Tribes, Mont.
Judgment funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, shall be used as follows: 85 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

Tax exemption.

SEC. 2. Any part of such funds that may be distributed to members of the Tribes shall not be subject to Federal or State income tax.

SEC. 3. Sums payable under this Act 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.

Approved March 17, 1972.

Public Law 92-254

March 18, 1972
[S. 671]

AN ACT

To provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, and for other purposes.

Indians.
Blackfeet and Gros Ventre Tribes.
Judgment funds, division and disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

Per capita distribution.

SEC. 2. The sum of $5,671,156 from the funds credited to the Blackfeet Tribe under section 1 of this Act shall be distributed per capita to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe, and who was born on or prior to and is living on the date of this Act. The sum of $2,100,000 from the funds credited to the Gros Ventre Tribe under section 1 of this Act shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on the date of

this Act and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are descended from a person whose name appears on said roll, if such member possesses a greater degree of Gros Ventre blood than Assiniboine blood. If such member possesses equal quantums of Gros Ventre and Assiniboine blood he may elect to participate in the per capita distribution authorized by this section, in which event he shall not be eligible to participate in any per capita distribution of an Assiniboine judgment. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

Restriction.

Minors, payment procedures.

SEC. 3. The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of unique circumstances applicable to the tribes involved, and shall not be regarded as a precedent or as a general policy for application to other tribes.

Tax exemption.

49 Stat. 620.
42 USC 1305.

SEC. 5. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Rules and regulations.

Approved March 18, 1972.

Public Law 92-255

AN ACT

March 21, 1972
[S. 2097]

To establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

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

Drug Abuse Office and Treatment Act of 1972.

§ 1. Short title.

This Act may be cited as the "Drug Abuse Office and Treatment Act of 1972".

TITLE I—FINDINGS AND DECLARATION OF POLICY; DEFINITIONS; TERMINATION

Sec.
101. Congressional findings.
102. Declaration of national policy.
103. Definitions.
104. Termination.

§ 101. Congressional findings.

The Congress makes the following findings:

(1) Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation.

(2) Drug abuse seriously impairs individual, as well as societal, health and well-being.

(3) Drug abuse, especially heroin addiction, substantially contributes to crime.

(4) The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions.

(5) Too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse.

(6) The success of Federal drug abuse programs and activities requires a recognition that education, treatment, rehabilitation, research, training, and law enforcement efforts are interrelated.

(7) The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, between States and localities, among the Federal Government, States and localities, and throughout the Federal establishment.

(8) Control of drug abuse requires the development of a comprehensive, coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.

(9) The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring an immediate and effective response on the part of the Federal Government.

§ 102. Declaration of national policy.

The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug abuse in the United States within the shortest possible period of time, and to develop a comprehensive, coordinated long-term Federal strategy to combat drug abuse.

§ 103. Definitions.

(a) The definitions set forth in this section apply for the purposes of this Act.

(b) The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions, or is unrelated to drugs. The term does not include any function defined in subsection (c) as a "drug traffic prevention function".

(c) The term "drug traffic prevention function" means

(1) the conduct of formal or informal diplomatic or international negotiations at any level, whether with foreign governments, other foreign governmental or nongovernmental persons or organizations of any kind, or any international organization of any kind, relating to traffic (whether licit or illicit) in drugs subject to abuse, or any measures to control or curb such traffic; or

(2) any of the following law enforcement activities or proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; and

(D) the detection and suppression of illicit drug supplies.

§ 104. Termination.

Effective June 30, 1975, the Office, each of the positions in the Office of Director, Deputy Director, and Assistant Director, and the National Advisory Council for Drug Abuse Prevention established by section 251 of this Act are abolished and title II is repealed.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

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Chapter 1.—GENERAL PROVISIONS

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210. Grants and contracts.
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212. Compensation of Director, Deputy Director, and Assistant Directors.
213. Statutory requirements unaffected.
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§ 201. Establishment of Office.

There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office"). The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress, or committees of either House, (1) to information, documents, and studies in the possession of, or conducted by, the Office, or (2) to personnel of the Office.

§ 202. Appointment of Director.

There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

§ 203. Appointment of Deputy Director.

There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may assign or delegate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

§ 204. Appointment of Assistant Directors.

There shall be in the Office not to exceed six Assistant Directors appointed by the Director.

§ 205. Delegation.

Unless specifically prohibited by law, the Director may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Office as he may designate.

§ 206. Officers and employees.

(a) The Director may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him. At the discretion of the Director, any officer or employee of the Office may be allowed and paid 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 individuals employed intermittently.

80 Stat. 499; 83 Stat. 190.

(b) In addition to the number of positions which may be placed in grades GS–16, 17, and 18 under section 5108 of title 5, United States Code, and without prejudice to the placement of other positions in the Office in such grades under any authority other than this subsection, not to exceed ten positions in the Office may be placed in grades GS–16, 17, and 18, but in accordance with the procedures prescribed under such section 5108. The authority for such additional positions shall terminate on the date specified in section 104 of this Act.

80 Stat. 453; 84 Stat. 1955.

§ 207. Employment of experts and consultants.

The Director may procure services as authorized by section 3109 of title 5, United States Code, and may pay a rate for such services not in excess of the rate in effect for grade GS–18 of the General Schedule. The Director may employ individuals under this section without regard to any limitation, applicable to services procured under such section 3109, on the number of days or the period of such services, except that, at any one time, not more than fifteen individuals may be employed under this section without regard to such limitation.

80 Stat. 416.
5 USC 5332 note.

§ 208. Acceptance of uncompensated services.

The Director is authorized to accept and employ in furtherance of the purpose of this Act or any Federal drug abuse prevention function, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

§ 209. Notice relating to the control of dangerous drugs.

Whenever the Attorney General determines that there is evidence that

(1) a drug or other substance, which is not a controlled substance (as defined in section 101(6) of the Controlled Substances Act), has a potential for abuse, or

84 Stat. 1242.
21 USC 801.

(2) a controlled substance should be transferred or removed from a schedule under section 202 of such Act,

84 Stat. 1247.
21 USC 812.
21 USC 811.

he shall, prior to initiating any proceeding under section 201(a) of such Act, give the Director timely notice of such determination. Information forwarded to the Attorney General pursuant to section 201(f) of such Act shall also be forwarded by the Secretary of Health, Education, and Welfare to the Director.

§ 210. Grants and contracts.

Recipients.

(a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual.

Contributions.

(b) To the extent he deems it appropriate, the Director may require the recipient of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

Payments.

(c) Payments pursuant to a grant or contract under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

Federal department or agency, contractual arrangements.

(d) Any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency for the performance by it of its authorized functions.

§ 211. Acting Director and Deputy Director.

Compensation.

The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director or Deputy Director until the position in question is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be, and the President may authorize any such person to receive the compensation attached to the office in respect of which he serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

§ 212. Compensation of Director, Deputy Director, and Assistant Directors.

80 Stat. 460; 83 Stat. 864; 84 Stat. 1888.

(a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(21) Director of the Special Action Office for Drug Abuse Prevention."

84 Stat. 1604.

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(95) Deputy Director of the Special Action Office for Drug Abuse Prevention."

84 Stat. 968.

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6)."

§ 213. Statutory requirements unaffected.

Except as authorized in section 225, nothing in this Act authorizes or permits the Director or any other Federal officer to waive or disregard any limitation or requirement, including standards, criteria, or cost-sharing formulas, prescribed by law with respect to any Federal

program or activity. Except with respect to the conduct of drug abuse prevention functions, nothing in this Act shall be construed to limit the authority of the Secretary of Defense with respect to the operation of the Armed Forces or the authority of the Administrator of Veterans' Affairs with respect to furnishing health care to veterans.

§ 214. Appropriations authorized.

(a) (1) For the purposes of carrying out the provisions of this title, except for the provisions of sections 223 and 224, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $11,000,000 for the fiscal year ending June 30, 1974; and $12,000,000 for the fiscal year ending June 30, 1975.

(2) For the purpose of carrying out the provisions of section 223, there is authorized to be appropriated $40,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975.

(3) For the purpose of making grants and contracts under section 224, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

(b) Sums appropriated under subsection (a) of this section shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

Chapter 2.—FUNCTIONS OF THE DIRECTOR

Sec.
221. Concentration of Federal effort.
222. Funding authority.
223. Special Fund.
224. Encouragement of certain research and development.
225. Single non-Federal share requirement.
226. Recommendations regarding drug traffic prevention functions.
227. Resolution of certain conflicts.
228. Liaison with respect to drug traffic prevention.
229. Technical assistance to State and local agencies.
230. Management oversight review.
231. Federal drug council authorized.
232. International negotiations.
233. Annual report.

§ 221. Concentration of Federal effort.

(a) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions. In carrying out his functions under this subsection, the Director shall consult, from time to time, with the National Advisory Council for Drug Abuse Prevention.

Advisory Council, consultation.

(b) For the purpose of assuring the effectuation of the planning and policy and the achievement of the objectives and priorities provided or established pursuant to subsection (a), the Director shall

(1) review the regulations, guidelines, requirements, criteria, and procedures of operating agencies in terms of their consistency with the policies, priorities, and objectives he provides or establishes, and assist such agencies in making such additions thereto or changes therein as may be appropriate;

(2) recommend changes in organization, management, and personnel, which he deems advisable to implement the policies, priorities, and objectives he provides or establishes;

(3) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that the respective administering agencies construe drug abuse as a health problem;

(4) conduct or provide for the conduct of evaluations and studies of the performance and results achieved by Federal drug abuse prevention functions, and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(5) require departments and agencies engaged in Federal drug abuse prevention functions to submit such information and reports with respect thereto as the Director determines to be necessary to carry out the purposes of this Act, and such departments and agencies shall submit to the Director such information and reports as the Director may reasonably require;

(6) except as provided in the second sentence of section 213, Drug abuse prevention functions, coordination.

(A) coordinate the performance of drug abuse prevention functions by Federal departments and agencies; and

(B) coordinate the performance of such functions by Federal departments and agencies with the performance by Federal departments and agencies of other functions which the Director determines may have an important bearing on the success of the entire Federal effort against drug abuse; and

(7) develop improved methods for determining the extent of drug addiction and abuse in the United States.

§ 222. Funding authority.

In implementation of his authority under section 221, and to carry out the purposes of this Act, the Director is authorized

(1) to review and as he deems necessary modify insofar as they pertain to Federal drug abuse prevention functions,

(A) implementation plans for any Federal program, and

(B) the budget requests of any Federal department or agency; and

(2) to the extent not inconsistent with the applicable appropriation Acts, to make funds available from appropriations to Federal departments and agencies to conduct drug abuse prevention functions.

§ 223. Special Fund.

(a) There is established a Special Fund (hereinafter in this section referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse prevention functions and to give the Director the flexibility to encourage, and respond quickly and effectively to, the development of promising programs and approaches. Establishment.

(b) Except as provided in subsection (c) of this section, sums appropriated to the fund may be utilized only after their transfer, upon the order of the Director and at his discretion, to any Federal department or agency (other than the Office) and only for the purpose of Utilization.

(1) developing or demonstrating promising new concepts or methods in respect of drug abuse prevention functions; or

(2) supplementing or expanding existing drug abuse prevention functions which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(c) Not more than 10 per centum of such sums as are appropriated to the fund may be expended by the Director through the Office to develop and demonstrate promising new concepts or methods in respect of drug abuse prevention functions. Limitation.

§ 224. Encouragement of certain research and development.

In carrying out his functions under section 221, the Director shall encourage and promote (by grants, contracts, or otherwise) expanded research programs to create, develop, and test

(1) nonaddictive synthetic analgesics to replace opium and its derivatives in medical use;

(2) long-lasting, nonaddictive blocking or antagonistic drugs or other pharmacological substances for treatment of heroin addiction; and

(3) detoxification agents which, when administered, will ease the physical effects of withdrawal from heroin addiction.

Clinical research facilities, establishment.

In carrying out this section the Director is authorized to establish, or provide for the establishment of, clinical research facilities.

§ 225. Single non-Federal share requirement.

Where funds are made available by more than one Federal agency to be used by an agency, organization, or individual to carry out a drug abuse prevention function, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established in regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

Waiver.

§ 226. Recommendations regarding drug traffic prevention functions.

The Director may make recommendations to the President in connection with any Federal drug traffic prevention function, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such functions.

§ 227. Resolution of certain conflicts.

Findings and determinations, submittal to President.

If the Director determines in writing that the manner in which any Federal department or agency is conducting any drug abuse prevention function or drug traffic prevention function substantially impairs the effective conduct of any other such function, he shall submit in writing his findings and determinations to the President, who may direct the Federal department or agency in question to conduct the function thereafter under such policy guidelines as the President may specify to eliminate the impairment.

§ 228. Liaison with respect to drug traffic prevention.

One of the Assistant Directors of the Office shall maintain communication and liaison with respect to all drug traffic prevention functions of the Federal Government.

§ 229. Technical assistance to State and local agencies.

(a) The Director shall

(1) coordinate or assure coordination of Federal drug abuse prevention functions with such functions of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) In carrying out his functions under this section, the Director may

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug abuse

problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses of individuals incurred in connection with their participation in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms of grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In implementation of his authority under subsection (b)(1), the Director may

(1) take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse prevention function or drug traffic prevention function to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) enter into contracts or other agreements with any person or organization to serve on or work with such task forces.

§ 230. Management oversight review.

The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the conduct of any Federal drug abuse prevention function. Such review may be conducted by an officer of any Federal department or agency other than the department or agency conducting such function. The officer shall submit a written report to the Director concerning his findings.

Report to Director.

§ 231. Federal drug council authorized.

To promote the purposes of this Act, the Director may convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for Federal drug abuse prevention functions or Federal drug traffic prevention functions.

§ 232. International negotiations.

The President may designate the Director to represent the Government of the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

§ 233. Annual report.

The Director shall submit to the President and the Congress, prior to March 1 of each year which begins after the enactment of this title, a written report on the activities of the Office. The report shall specify the objectives, activities, and accomplishments of the Office, and shall contain an accounting of funds expended pursuant to this title.

Report to President and Congress.

Chapter 3.—ADVISORY COUNCIL

Sec.
251. Establishment of Council.
252. Membership of the Council.
253. Chairman; meetings.
254. Compensation and expenses.
255. Functions of the Council.

§ 251. Establishment of Council.

There is established a National Advisory Council for Drug Abuse Prevention (hereinafter in this chapter referred to as the "Council") which shall consist of fifteen members.

§ 252. Membership of the Council.

(a) The Secretary of Health, Education, and Welfare, the Secretary of Defense, and the Administrator of Veterans' Affairs, or their respective designees, shall be members of the Council ex officio.

(b) The remaining members of the Council shall be appointed by the President and shall serve at his pleasure. Appointments shall be made from persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Council. Of the members so appointed, four shall be officials of State or local governments or governmental agencies who are actively engaged in drug abuse prevention functions.

§ 253. Chairman; meetings.

The President shall designate the Chairman of the Council. The Council shall meet at the call of the Chairman, but not less often than four times a year.

§ 254. Compensation and expenses.

Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS–18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

5 USC 5332 note.

80 Stat. 499; 83 Stat. 190.

§ 255. Functions of the Council.

(a) The Council shall, from time to time, make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all Federal drug abuse prevention functions.

(b) The Council may make recommendations to the Director with respect to the conduct of, or need for, any drug abuse prevention functions which are or in its judgment should be conducted by or with the support of the Federal Government.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

Sec.
301. Development of strategy required.
302. Strategy Council.
303. Content of strategy.
304. Preparation of strategy.
305. Review and revision.

§ 301. Development of strategy required.

Immediately upon the enactment of this title, the President shall direct the development of a comprehensive, coordinated long-term Federal strategy (hereinafter in this title referred to as the "strategy") for all drug abuse prevention functions and all drug traffic prevention

functions conducted, sponsored, or supported by any department or agency of the Federal Government. The strategy shall be initially promulgated by the President no later than nine months after the enactment of this title.

§ 302. Strategy Council.

To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention until the date specified in section 104 of this Act, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate. Until the date specified in section 104 of this Act, the Director shall provide such services as are required to assure that the strategy is prepared, and thereafter such services shall be provided by such officer or agency of the United States as the President may designate. The strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

§ 303. Content of strategy.

The strategy shall contain

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal plan, with respect to both drug abuse prevention functions and drug traffic prevention functions, which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operation and coordination of the various Federal drug abuse prevention functions and drug traffic prevention functions.

§ 304. Preparation of strategy.

To facilitate the preparation of the strategy, the Council shall

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse prevention functions and drug traffic prevention functions to submit such information and reports and to conduct such studies and surveys as are necessary to carry out the purposes of this title, and the departments and agencies shall submit to the Council and to the requesting member the information, reports, studies, and surveys so required;

(3) evaluate the performance and results achieved by Federal drug abuse prevention functions and drug traffic prevention functions and the prospective performance and results that might be achieved by programs and activities in addition to or in lieu of those currently being administered.

§ 305. Review and revision.

The strategy shall be reviewed, revised as necessary, and promulgated as revised from time to time as the President deems appropriate, but not less often than once a year.

TITLE IV—OTHER FEDERAL PROGRAMS

Sec.
401. Community mental health centers.
402. Public Health Service facilities.
403. State plan requirements.
404. Drug abuse prevention function appropriations.
405. Special reports by the Secretary of Health, Education, and Welfare.
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407. Admission of drug abusers to hospitals for emergency treatment.
408. Confidentiality of patient records.
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410. Special project grants and contracts.
411. Records and audit.
412. National Drug Abuse Training Center.
413. Drug abuse among Federal civilian employees.

§ 401. Community mental health centers.

79 Stat. 428; 84 Stat. 57.

(a) Section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended by adding at the end thereof the following new subsection:

"(c) If an application for a grant under this part for a community mental health center is made for any fiscal year beginning after June 30, 1972, and—

"(1) the Secretary determines that it is feasible for such center to provide a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the area served by the center and that the need for such a program in that area is of such a magnitude as to warrant the provision of such a program by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will provide such program in such fiscal year; or

"(2) the Secretary determines that it is feasible for the center to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the area served by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will enter into agreements with departments or agencies of the Government under which agreements the center may be used (to the maximum extent practicable) in treatment and rehabilitation programs (if any) provided by such departments or agencies.

For the purpose of making grants under this part to assist community mental health centers to meet the requirements of this subsection there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975."

Treatment facilities.
82 Stat. 1009; 84 Stat. 58, 1238.

(b) Section 251 of the Community Mental Health Centers Act (42 U.S.C. 2688k) is amended—

(1) by inserting in subsection (a) "or leasing" after "construction",

(2) by inserting in subsection (a) "facilities for emergency medical services, intermediate care services, or outpatient services, or" immediately before "posthospitalization treatment facilities",

(3) by inserting in subsection (a) "or leased" after "constructed", and

(4) by inserting in subsection (b) "or leasing" after "construction" the first time it appears.

84 Stat. 1239.

(c) Section 256(e) of the Community Mental Health Centers Act (42 U.S.C. 2688n–1) is amended (1) by striking out "and $35,000,000"

and inserting in lieu thereof "$60,000,000", and (2) by striking out the period at the end and inserting in lieu thereof "; and $75,000,000 for the fiscal year ending June 30, 1974.".

§ 402. Public Health Service facilities.

(a) Section 341(a) of the Public Health Service Act (42 U.S.C. 257(a)) (relating to care and treatment of narcotic addicts and other drug abusers) is amended by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary shall establish in each hospital and other appropriate medical facility of the Service a treatment and rehabilitation program for drug addicts and other persons with drug abuse and drug dependence problems who are in the area served by such hospital or other facility; except that the requirement of this sentence shall not apply in the case of any such hospital or other facility with respect to which the Secretary determines that there is not sufficient need for such a program in such hospital or other facility." 80 Stat. 1449; 84 Stat. 1240.

(b) Section 341 of that Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may enter into agreements with the Administrator of Veterans' Affairs, the Secretary of Defense, and the head of any other department or agency of the Government under which agreements hospitals and other appropriate medical facilities of the Service may be used in treatment and rehabilitation programs provided by such department or agency for drug addicts and other persons with drug abuse and other drug dependence problems who are in areas served by such hospitals or other facilities."

§ 403. State plan requirements.

(a) Section 314(d)(2)(K) of the Public Health Service Act (42 U.S.C. 246(d)(2)(K)) is amended by inserting after "problem" the following: ", and include provisions for (i) licensing or accreditation of facilities in which treatment and rehabilitation programs are conducted for persons with drug abuse and other drug dependence problems, and (ii) expansion of State mental health programs in the field of drug abuse and drug dependence and of other prevention and treatment programs in such field". 84 Stat. 1241.

(b) Section 204 of the Community Mental Health Centers Act (42 U.S.C. 2684) is amended by adding at the end thereof the following new subsection: 77 Stat. 291; 81 Stat. 79.

"(c) After June 30, 1973, the Secretary may not approve any State plan unless it provides for treatment and prevention programs in the field of drug abuse and drug dependence, commensurate with the extent of the problem, and it includes the provisions required by section 314(d)(2)(K) of the Public Health Service Act for State plans submitted under section 314(d) of such Act." *Supra.*

§ 404. Drug abuse prevention function appropriations.

Any request for appropriations by a department or agency of the Government submitted after the date of enactment of this Act shall specify (1) on a line item basis, that part of the appropriations which the department or agency is requesting to carry out its drug abuse prevention functions, and (2) the authorization of the appropriations requested to carry out each of its drug abuse prevention functions.

§ 405. Special reports by the Secretary of Health, Education, and Welfare.

(a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") shall develop and submit to the Congress and the Director within ninety days after the date of enactment of this Act, a written plan for the administration and coordination of all drug abuse prevention functions within the Depart- Report to Congress and Director.

ment of Health, Education, and Welfare. Such report shall list each program conducted and each service provided in carrying out such functions, describe how such programs and services are to be coordinated, and describe the steps taken or to be taken to insure that such programs and services will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. The plan shall be consistent with the policies, priorities, and objectives established by the Director under section 221 of this Act.

(b) The Secretary shall submit to the Director, for inclusion in the annual report required by section 233 of this Act, a report describing model and experimental methods and programs for the treatment and rehabilitation of drug abusers, and describing the advantages of each such method and program and an evaluation of the success or failure of each such method or program. The Secretary's report shall contain recommendations for the development of new and improved methods and programs for the treatment and rehabilitation of drug abusers, for community implementation of such methods and programs, and for such legislation and administrative action as he deems appropriate.

§ 406. Additional drug abuse prevention functions of the Secretary of Health, Education, and Welfare.

(a) The Secretary shall

(1) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse prevention functions, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(2) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by individuals and effects which individuals are likely to experience from such use;

(3) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be furnished, records to be maintained, and reports to be submitted, on a voluntary basis by public and private entities and individuals respecting drug abuse; and

(4) review, and publish an evaluation of, the adequacy and appropriateness of any provision relating to drug abuse prevention functions contained in the comprehensive State health, welfare, or rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902(a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

29 USC 35.
Ante, p. 77.
42 USC 291d.
85 Stat. 809.
42 USC 1396a.
42 USC 2684.

(b) After December 31, 1974, the Secretary shall carry out his functions under subsection (a) through the National Institute on Drug Abuse.

§ 407. Admission of drug abusers to hospitals for emergency treatment.

(a) Drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment, solely because of their drug abuse or drug dependence, by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

(b) The Secretary is authorized to make regulations for the enforcement of the policy of subsection (a). Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary is authorized to suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

§ 408. Confidentiality of patient records.

(a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function authorized or assisted under any provision of this Act or any Act amended by this Act shall be confidential and may be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b)(1) If the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed

(A) to medical personnel for the purpose of diagnosis or treatment of the patient, and

(B) to governmental personnel for the purpose of obtaining benefits to which the patient is entitled.

(2) If the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, does not give his written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Except as authorized by a court order granted under subsection (b)(2)(C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

(e) Except as authorized under subsection (b) of this section, any person who discloses the contents of any record referred to in subsection (a) shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense. Penalty.

§ 409. Formula grants.

Appropriation.

(a) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975, for grants to States in accordance with this section. For the purpose of this section, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

"State."

(b) Grants to States may be made under this section

(1) for the preparation of plans which are intended to meet the requirements of subsection (e) of this section;

(2) for the expenses (other than State administrative expenses) of (A) carrying out projects under and otherwise implementing plans approved by the Secretary pursuant to subsection (f) of this section, and (B) evaluating the results of such plans as actually implemented; and

(3) for the State administrative expenses of carrying out plans approved by the Secretary pursuant to subsection (f) of this section, except that no grant under this paragraph to any State for any year may exceed $50,000 or 10 per centum of the total allotment of that State for that year, whichever is less.

State allotments.

(c)(1) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to subsection (a) for such year among the States on the basis of the relative population, financial need, and the need for more effective conduct of drug abuse prevention functions, except that no such allotment to any State (other than the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands), shall be less than $100,000 multiplied by a fraction whose numerator is the amount actually appropriated for the purposes of this section for the fiscal year for which the allotment is made, and whose denominator is the amount authorized to be appropriated by subsection (a) for that year.

Unobligated amounts, reallotment.

(2) Any amount allotted under paragraph (1) of this subsection to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this section, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under paragraph (1) of this subsection to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of

the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this section, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(d) No grant may be made under subsection (b)(1) of this section 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, including assurances satisfactory to the Secretary that the grant will be used by the State for the preparation of a State plan which will meet the requirements of subsection (e), as the Secretary shall by regulation prescribe.

State plans.

(e) Any State desiring to receive a grant under subsection (b)(2) or (b)(3) of this section shall submit to the Secretary a State plan for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions in the State. Each State plan shall

(1) designate or establish a single State agency as the sole agency for the preparation and administration of the plan, or for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated or established in accordance with paragraph (1) will have authority to prepare and administer, or supervise the preparation and administration of, such plan in conformity with this subsection;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, and which shall consult with the State agency in carrying out the plan;

(4) describe the drug abuse prevention functions to be carried out under the plan with assistance under this section;

(5) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(6) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers;

(7) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Service Act;

80 Stat. 1181; 84 Stat. 1853; *Ante*, p. 77. 42 USC 246.

(8) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(9) 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;

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions of this section.

Approval.

(f) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (e) of this section.

(g) From the allotment of a State, the Secretary shall make grants to that State in accordance with this section. Payments under such grants may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

§ 410. Special project grants and contracts.

(a) The Secretary shall

(1) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and institutions, and individuals for improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public

and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate drug abuse prevention and treatment programs.

Appropriation.

(b) There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972; $65,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; and $160,000,000 for the fiscal year ending June 30, 1975, to carry out this section.

(c) (1) In carrying out this section, the Secretary shall require coordination of all applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

Project evaluation.

(2) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency (if any) designated or established under section 409. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 409. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this paragraph.

Application approval.

(3) Approval of any application for a grant or contract under this section by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria that

(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(D) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

(d) Payment under grants or contracts under this section may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

§ 411. Records and audit.

(a) Each recipient of assistance under section 409 or 410 pursuant to grants or contracts entered into under other than competitive bidding procedures 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 grant or contract, the total cost of the project or undertaking in connection with which such grant or contract 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 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 such recipients that are pertinent to such grants or contracts.

§ 412. National Drug Abuse Training Center.

(a) The Director shall establish a National Drug Abuse Training Center (hereinafter in this section referred to as the "Center") to develop, conduct, and support a full range of training programs relating to drug abuse prevention functions. The Director shall consult with the National Advisory Council for Drug Abuse Prevention regarding the general policies of the Center. The Director may supervise the operation of the Center initially, but shall transfer the supervision of the operation of the Center to the National Institute on Drug Abuse not later than December 31, 1974.

Transfer of supervision.

(b) The Center shall conduct or arrange for training programs, seminars, meetings, conferences, and other related activities, including the furnishing of training and educational materials for use by others.

(c) The services and facilities of the Center shall, in accordance with regulations prescribed by the Director, be available to (1) Federal, State, and local government officials, and their respective staffs, (2) medical and paramedical personnel, and educators, and (3) other persons, including drug dependent persons, requiring training or education in drug abuse prevention.

Appropriation.

(d) (1) For the purpose of carrying out this section, there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $6,000,000 for the fiscal year ending June 30, 1975.

(2) Sums appropriated under this subsection shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

§ 413. Drug abuse among Federal civilian employees.

(a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Director and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for drug abuse among Federal civilian employees. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.

(b) The Director shall foster similar drug abuse prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

(c) (1) No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior drug abuse.

Exception.

(2) This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, or (B) in any position in any department or agency of the Federal Government, not referred to in clause (A), which position is determined pursuant to regulations prescribed by the head of such department or agency to be a sensitive position.

(d) This section shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

TITLE V—NATIONAL INSTITUTE ON DRUG ABUSE; NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Sec.
501. Establishment of Institute.
502. Establishment of National Advisory Council on Drug Abuse.

§ 501. Establishment of Institute.

(a) Effective December 31, 1974, there is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereinafter in this section referred to as the "Institute") to administer the programs and authorities of the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") with respect to drug abuse prevention functions. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.

58 Stat. 691; 79 Stat. 448. 42 USC 241.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

(c) The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

§ 502. Establishment of National Advisory Council on Drug Abuse.

(a) Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

64 Stat. 446; 84 Stat. 1853; 85 Stat. 463, 785. 42 USC 218.

"(e)(1) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

5 USC 101 *et seq.*

"(2) The Council shall advise, consult with, and make recommendations to, the Secretary

"(A) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including, but not limited to, the development of new programs and priorities, the efficient administration of programs, and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

"(B) concerning policies and priorities respecting grants and contracts in the field of drug abuse."

(b) Section 266 of the Community Mental Health Centers Act is amended

84 Stat. 62, 1854. 42 USC 2688t.

(1) by striking out in the first sentence "part C" and inserting in lieu thereof "parts C and D",

(2) by striking out in the second sentence "established by such section", and

(3) by adding at the end the following new sentence: "Grants under part D of this title for such costs will undergo such review as is provided by section 217(e) of the Public Health Service Act."

Supra.

Approved March 21, 1972.

Public Law 92-256

March 21, 1972
[H. J. Res. 1097]

JOINT RESOLUTION

Making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

Supplemental appropriations, 1972.

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, 1972, namely:

CHAPTER I

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For an additional amount for "Federal unemployment benefits and allowances," $311,600,000.

ADVANCES TO THE EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT

For making repayable advances to the extended unemployment compensation account in the Unemployment Trust Fund, as authorized by section 905(d) of the Social Security Act, as amended, $600,000,000 to enable the Secretary of the Treasury to make such advances: *Provided*, That the Secretary of the Treasury shall make such repayable advances at such times as he may determine, in consultation with the Secretary of Labor, that the amount in the extended unemployment compensation account is insufficient for the payments required by law to be paid therefrom to States.

84 Stat. 716.
42 USC 1105.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

STUDENT LOAN INSURANCE FUND

For the Student Loan Insurance Fund, created by the Higher Education Act of 1965, as amended, $12,765,000, to remain available until expended.

79 Stat. 1219.
20 USC 1001 note.

CHAPTER II

INTERSTATE COMMERCE COMMISSION

PAYMENT OF LOAN GUARANTIES

For payments required to be made as a consequence of loan guaranties made by the Interstate Commerce Commission under section 503 of the Interstate Commerce Act, as amended (49 U.S.C. 1233), $28,000,000, together with such amounts as may be necessary to pay interest thereon.

72 Stat. 569.

CHAPTER III

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 92–262, Ninety-second Congress, $5,111,059, 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.

CHAPTER IV

GENERAL PROVISION

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

Approved March 21, 1972.

Public Law 92-257

AN ACT

Relating to the Trust Territory of the Pacific Islands.

March 21, 1972
[S. 860]

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

Pacific Islands. Trust Territory Economic Development Loan Fund.

SECTION 1. For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the government of the Trust Territory of the Pacific Islands as a grant in accordance with the provisions of this title, an amount which when added to the development fund established pursuant to section 3 of the Act of August 22, 1964 (78 Stat. 601), as augmented by subsequent Federal grants, will create a total fund of $5,000,000, which shall thereafter be known as the Trust Territory Economic Development Loan Fund.

Plan for use.

SEC. 2. The grant authorized by section 1 shall be made only after the government of the Trust Territory of the Pacific Islands has submitted to the Secretary of the Interior a plan for the use of the grant, and the plan has been approved by the Secretary. The plan shall provide among other things for a revolving fund to make loans or to guarantee loans to private enterprise. The term of any loan made pursuant to the plan shall not exceed twenty-five years.

Term.

Restrictions.

SEC. 3. No loan or loan guarantee shall be made under this title to any applicant who does not satisfy the territorial administering agency that financing is otherwise unavailable on reasonable terms and conditions. No loan or loan guarantee shall exceed (1) the amount which can reasonably be expected to be repaid, (2) the minimum amount necessary to accomplish the purposes of this title, or 25 per centum

of the funds appropriated pursuant to section 1. No loan guarantee shall guarantee more than 90 per centum of the outstanding amount of any loan, and the reserves maintained to guarantee the loan shall not be less than 25 per centum of the guarantee.

SEC. 4. The plan provided for in section 2 shall set forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

Annual report.

SEC. 5. The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of this title.

Audit.

SEC. 6. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any relevant books, documents, papers, or records of the government of the Trust Territory of the Pacific Islands.

Approved March 21, 1972.

Public Law 92-258

March 22, 1972
[S. 1163]

AN ACT

To amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes.

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

Older Americans Act of 1965, amendment.

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

Nutrition programs.
79 Stat. 225; 83 Stat. 111, 114.
42 USC 3051.
42 USC 3044.

SEC. 2. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

42 USC 3031.

"SEC. 701. (a) The Congress finds that the research and development nutrition projects for the elderly conducted under title IV of the Older Americans Act have demonstrated the effectiveness of, and the need for, permanent nationwide projects to assist in meeting the nutritional and social needs of millions of persons aged sixty or older.

Many elderly persons do not eat adequately because (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy which provides older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private nonprofit institutions where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of our population through improved nutrition, such a program would reduce the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall— HEW Secretary, duties.

"(1) administer the program through the Administration on Aging; and

"(2) consult with the Secretary of Agriculture and make full utilization of the Food and Nutrition Service, and other existing services of the Department of Agriculture.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate. Other Federal agencies, cooperation.

"(c) 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, personnel, and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

Informational materials, publication.

"ALLOTTMENT OF FUNDS

State proportionate share formula.

"SEC. 703. (a) (1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. 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."

"(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

Unrequired portion, reallotment.

"(b) The amount of any State's allotment under subsection (a) of any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that 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 for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

Federal allotment, matching non-Federal funds.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the Secretary in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

"(d) If the Secretary finds that any State has failed to qualify under the State plan requirements of section 705, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or in kind resources from non-Federal sources.

Unqualified State's allotment, disbursement.

"(e) The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. The Secretary may require reports from State agencies, in such form and detail as he may prescribe, concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon.

Agricultural commodities, purchase by State agency.

"PAYMENT OF GRANTS

"SEC. 704. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section 303 of this Act, shall be in the form of an amendment to the State plan provided in section 303. Such plan shall—

79 Stat. 222; 83 Stat. 108. 42 USC 3023.

"(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section 303(a)(1) of this Act, unless the Governor of such State shall, with the approval of the Secretary, designate another agency;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State, or local programs.

Administrative costs, limitation.

"(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in any fiscal year is approved by the Secretary. In administering the State plan, the State agency shall—

Reports; records, accessibility.

"(i) make reports, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) provide 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 title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

Low-income and minority groups, preference.

"(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

State plan approval.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

Noncompliance, payments termination.

"(c) Whenever the Secretary, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State

under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

Judicial review.

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), 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 Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

72 Stat. 941; 80 Stat. 1323.

"(2) The findings of fact by the Secretary, 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 fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

U.S. Supreme Court, review.

"(3) The court shall have jurisdiction to affirm the action of the Secretary 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.

62 Stat. 928.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"Nutrition project."

"(1) to establish a project (referred to herein as a 'nutrition project') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

"Eligible individuals."

"(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as 'eligible individuals');

Project site.

"(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, such as a school or a church, preferably within walking distance where possible and, where appropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound;

"(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

Special menus.

"(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals;

Supportive services.

"(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

"(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

"(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons;

Evaluation.

"(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

Sixty-or-over personnel, preference.

"(10) to give preference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students in the operation of the project; and

"(11) to comply with such other standards as the Secretary may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

Records, 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 that are pertinent to a grant or contract received under this title.

"SURPLUS COMMODITIES

"SEC. 707. (a) Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition project commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

7 USC 612c.

"(b) The Secretary of Agriculture may utilize the projects authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 612c).

53 Stat. 975.

"APPROPRIATIONS AUTHORIZED

"SEC. 708. For the purpose of carrying out the provisions of this title there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are

not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

"RELATIONSHIP TO OTHER LAWS

"SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization to carry out the provisions of this title and of the appropriate State plan."

Profitmaking organization, agreements.

Approved March 22, 1972.

Public Law 92-259

AN ACT

March 22, 1972
[S. 2423]

To amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, 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 404(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1374(a)) is amended by inserting "(1)" immediately after "(a)" and by adding at the end thereof the following new paragraph:

Foreign air transportation rates.
Regulatory authority.
72 Stat. 760.

"(2) It shall be the duty of every air carrier and foreign air carrier to establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to foreign air transportation; and, in case of such joint rates, fares, and charges, to establish just, reasonable, and equitable divisions thereof as between air carriers or foreign air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers or foreign air carriers.".

Presidential authority.
72 Stat. 782.

SEC. 2. Section 801 of such Act (49 U.S.C. 1461) is amended by inserting "(a)" immediately after "Sec. 801." and by adding at the end thereof the following new subsection:

Infra.

"(b) Any order of the Board pursuant to section 1002(j) of this Act suspending, rejecting, or canceling a rate, fare, or charge for foreign air transportation, and any order rescinding the effectiveness of any such order, shall be submitted to the President before publication thereof. The President may disapprove any such order when he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States not later than ten days following submission by the Board of any such order to the President.".

SEC. 3. (a) Section 1002 of such Act (49 U.S.C. 1482) is amended by adding at the end thereof the following new subsection:

"SUSPENSION AND REJECTION OF RATES IN FOREIGN AIR TRANSPORTATION

New tariff, hearing.

"(j)(1) Whenever any air carrier or foreign air carrier shall file with the Board a tariff stating a new individual or joint (between air carriers, between foreign air carriers, or between an air carrier or carriers and a foreign air carrier or carriers) rate, fare, or charge for foreign air transportation or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by the air carrier or foreign air carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, the Board, by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period or periods not exceeding three hundred and sixty-five days in the aggregate beyond the time when such tariff would otherwise go into effect. If, after hearing, the Board shall be of the opinion that such rate, fare, or charge, or such classification, rule, regulation, or practice, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Board may take action to reject or cancel such tariff and prevent the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. The Board may at any time rescind the suspension of such tariff and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice.

If the proceeding has not been concluded and an order made within the period of suspension or suspensions, or if the Board shall otherwise so direct, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect subject, however, to being canceled when the proceeding is concluded. This paragraph shall not apply to any initial tariff filed by an air carrier or foreign air carrier. During the period of any suspension or suspensions, or following rejection or cancellation of a tariff, including tariffs which have gone into effect provisionally, the affected air carrier or foreign air carrier shall maintain in effect and use the rate, fare, or charge, or the classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder, which was in effect immediately prior to the filing of the new tariff.

Existing tariff, hearing.

"(2) With respect to any existing tariff of an air carrier or foreign air carrier stating rates, fares, or charges for foreign air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once and, if it so orders, without answer or other formal pleading by the air carrier or foreign air carrier, but upon reasonable notice, to enter into a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, the Board, upon reasonable notice, and by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, and the effective date thereof, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, following the effective date of such suspension, for a period or periods not exceeding three hundred and sixty-five days in the aggregate from the effective date of such suspension. If, after hearing, the Board shall be of the opinion that such rate, fare, or charge, or such classification, rule, regulation, or practice, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Board may take action to cancel such tariff and prevent the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. If the proceeding has not been concluded within the period of suspension or suspensions, the tariff shall again go into effect subject, however, to being canceled when the proceeding is concluded. For the purposes of operation during the period of such suspension, or the period following cancellation of an existing tariff

pending effectiveness of a new tariff, the air carrier or foreign air carrier may file a tariff embodying any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, that may be currently in effect (and not subject to a suspension order) for any air carrier engaged in the same foreign air transportation.

Foreign carriers, tariff suspension.

"(3) Whenever the Board finds that the government or aeronautical authorities of any foreign country have refused to permit the charging of rates, fares, or charges contained in a properly filed and published tariff of an air carrier filed under this Act for foreign air transportation to such foreign country, the Board may, without hearing, (A) suspend the operation of any existing tariff of any foreign air carrier providing services between the United States and such foreign country for a period or periods not exceeding three hundred and sixty-five days in the aggregate from the date of such suspension, and (B) during the period of such suspension or suspensions, order the foreign air carrier to charge rate, fares, or charges which are the same as those contained in a properly filed and published tariff (designated by the Board) of an air carrier filed under this Act for foreign air transportation to such foreign country, and the effective right of an air carrier to start or continue service at the designated rates, fares, or charges to such foreign country shall be a condition to the continuation of service by the foreign air carrier in foreign air transportation to such foreign country.

"(4) The provisions of this subsection and compliance with any order of the Board issued pursuant thereto shall be an express condition to the certificates or permits now held or hereafter issued to any air carrier or foreign air carrier, and the maintenance of rates, fares, or charges in conformity with the requirements of such provisions and such order of the Board shall be a condition to the continuation of the affected service by such air carrier or foreign air carrier.

Rate rejection, criteria.

"(5) In exercising and performing its powers and duties under this subsection with respect to the rejection or cancellation of rates for the carriage of persons or property, the Board shall take into consideration, among other factors—

"(A) the effect of such rates upon the movement of traffic;

"(B) the need in the public interest of adequate and efficient transportation of persons and property by air carriers and foreign air carriers at the lowest cost consistent with the furnishing of such service;

"(C) such standards respecting the character and quality of service to be rendered by air carriers and foreign air carriers as may be prescribed by or pursuant to law;

"(D) the inherent advantages of transportation by aircraft;

"(E) the need of such air carrier and foreign air carrier for revenue sufficient to enable such air carrier and foreign air carrier, under honest, economical, and efficient management, to provide adequate and efficient air carrier and foreign air carrier service; and

"(F) whether such rates will be predatory or tend to monopolize competition among air carriers and foreign air carriers in foreign air transportation.".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 1002. Complaints to and investigations by the Administrator and the Board."

is amended by adding at the end thereof the following:

"(j) Suspension and rejection of rates in foreign air transportation.".

International agreements.

SEC. 4. The amendments made by this Act shall not be deemed to authorize any actions inconsistent with the provision of section 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1502).

Approved March 22, 1972.

Public Law 92-260

AN ACT

March 23, 1972
[S. 1977]

To establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

Oregon Dunes National Recreation Area. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreational facilities in the State of Oregon by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the "recreation area").

Administration.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute the attainment of the purposes set forth in section 1 of this Act.

"Inland Sector."

SEC. 3. The portion of the recreation area delineated as the "Inland Sector" on the map referenced in section 4 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 1 of this Act.

Map.

SEC. 4. The boundaries of the recreation area, as well as the boundaries of the inland sector included therein, shall be as shown on a map entitled "Proposed Oregon Dunes National Recreation Area" dated May 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description by metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

Revision, publication in Federal Register.

Federal property, transfer.

SEC. 5. Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this

Act, but lands presently administered by the United States Coast Guard or the United States Corps of Engineers may continue to be used by such agencies to the extent required.

Siuslaw National Forest, boundary extension.

SEC. 6. The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands not at present within such boundaries lying within the recreation area as described in accordance with section 4 of this Act.

Land acquisition.

SEC. 7. Within the inland sector established by section 3 of this Act the Secretary may acquire the following classes of property only with the consent of the owner:

(a) improved property as hereinafter defined;

(b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this Act;

(c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Provided*, That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such lands or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this Act. In any acquisition of such lands or interests the Secretary shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this Act.

SEC. 8. (a) Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only by donation or exchange.

Southern Pacific Railway right-of-way.

(b) No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway, so long as it is used for railway purposes: *Provided*, That the Secretary may condemn such easements across said right-of-way as he deems necessary for ingress and egress.

Owners of improved property, retention rights.

(c) Any person owning an improved property, as hereafter defined, within the recreation area may reserve for himself and his assigns, as a condition of the acquisition of such property, a right of use and occupancy of the residence and not in excess of three acres of land on which such residence is situated. Such reservation shall be for a term ending at the death of the owner, or the death of his spouse, whichever occurs later, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided*, That, the Secretary may exclude from such reserved property any lands or waters which he deems necessary for public use, access, or development. The owner shall elect, at the time of conveyance, the term of the right to be reserved. Where any

Exclusion.

such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner. At any time subsequent to the acquisition of such property the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right.

"Improved property."

(d) The term "improved property" wherever used in this Act shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with any structures accessory to it and the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary finds necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Hunting, fishing, and trapping.

SEC. 9. The Secretary shall permit hunting, fishing, and trapping 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 State of Oregon, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

Mining restriction.

SEC. 10. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Water utilization.

SEC. 11. (a) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, the investigation for, appropriation, storage, and withdrawal of ground water, surface water, and lake, stream, and river water from the recreation area and the conveyance thereof outside the boundaries of the recreation area for beneficial use in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act: *Provided*, That nothing herein shall prohibit or authorize the prohibition of the use of water from Tahkenitch or Siltcoo Lakes in accordance with permission granted by the State of Oregon prior to the effective date hereof in connection with certain industrial plants developed or being developed at or near Gardiner, Oregon.

Waste disposal.

(b) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, transportation and storage in pipelines within and through the recreation area of domestic and industrial wastes in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act.

Additional easements and rights.

(c) The Secretary is further authorized, subject to applicable water quality standards now or hereafter established, to grant such additional easements and rights, in terms up to perpetuity, as in his judgment would be appropriate and desirable for the effective use of the rights to water and the disposal of waste provided for herein and

for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable terms and conditions as he deems necessary for the protection of the scenic, scientific, historic, and recreational features of the recreation area.

Advisory council, establishment.

Membership.

SEC. 12. (a) The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows:

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the county involved;

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon;

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) the Secretary shall designate one member to be Chairman and shall fill vacancies in the same manner as the original appointment.

(b) The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) The members shall not receive any compensation for their services as members of the council, as such, but the Secretary is authorized to pay expenses reasonably incurred by the council in carrying out its responsibilities.

Area review; report to President.

SEC. 13. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the recreation area and shall report to the President, in accordance with subsections 3(b) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b) and (d)), his recommendation as to the suitability or nonsuitability of any area within the recreation area for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsection of the Wilderness Act.

Federal-State cooperation.

SEC. 14. The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

Appropriation.

SEC. 15. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area, but not more than $2,500,000 is authorized to be appropriated for such purposes. For development of the recreation area, not more than $12,700,000 is authorized to be appropriated.

Approved March 23, 1972.

Public Law 92-261

AN ACT

March 24, 1972
[H. R. 1746]

To further promote equal employment opportunities for American workers.

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 "Equal Employment Opportunity Act of 1972".

Equal Employment Opportunity Act of 1972.

SEC. 2. Section 701 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is amended as follows:

80 Stat. 662.

(1) In subsection (a) insert "governments, governmental agencies, political subdivisions," after the word "individuals".

(2) Subsection (b) is amended to read as follows:

"(b) The term 'employer' means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of title 5 of the United States Code), or (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, except that during the first year after the date of enactment of the Equal Employment Opportunity Act of 1972, persons having fewer than twenty-five employees (and their agents) shall not be considered employers."

80 Stat. 408.

68A Stat. 163.
26 USC 501.

(3) In subsection (c) beginning with the semicolon strike out through the word "assistance".

(4) In subsection (e) strike out between "(A)" and "and such labor organization", and insert in lieu thereof "twenty-five or more during the first year after the date of enactment of the Equal Employment Opportunity Act of 1972, or (B) fifteen or more thereafter,".

(5) In subsection (f), insert before the period a comma and the following: "except that the term 'employee' shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency or political subdivision."

(6) At the end of subsection (h) insert before the period a comma and the following: "and further includes any governmental industry, business, or activity".

(7) After subsection (i) insert the following new subsection (j):

"Religion."

"(j) The term 'religion' includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business."

SEC. 3. Section 702 of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e–1) is amended to read as follows:

"EXEMPTION

"SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."

Enforcement.

SEC. 4. (a) Subsections (a) through (g) of section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e-5(a)-(g)) are amended to read as follows:

"SEC. 706. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

42 USC 2000e-2, 2000e-3.

Charges.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') within ten days, and shall make an investigation thereof. Charges shall be in writing under oath or affirmation and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. In determining whether reasonable cause exists, the Commission shall accord substantial weight to final findings and orders made by State or local authorities in proceedings commenced under State or local law pursuant to the requirements of subsections (c) and (d). If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

Penalty.

State enforcement proceedings, deferral period.

"(c) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier termi-

nated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

Filing.

"(e) A charge under this section shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) shall be served upon the person against whom such charge is made within ten days thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

Civil action.

"(f) (1) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission may bring a civil action against any respondent not a government, governmental agency, or political subdivision named in the charge. In the case of a respondent which is a government, governmental agency, or political subdivision, if the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission or the Attorney General in a case involving a government, governmental agency, or political subdivision. If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has not filed a civil action under this section or the Attorney General has not filed

a civil action in a case involving a government, governmental agency, or political subdivision, or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge (A) by the person claiming to be aggrieved or (B) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, to intervene in such civil action upon certification that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsections (c) or (d) of this section or further efforts of the Commission to obtain voluntary compliance.

"(2) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.

28 USC app.

Jurisdiction.

"(3) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

62 Stat. 937; 74 Stat. 912; 76A Stat. 699.

Judge, designation.

"(4) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"(5) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited. If such judge has not scheduled the case for trial within one hundred and twenty days after issue has been joined, that judge may appoint a master pursuant to rule 53 of the Federal Rules of Civil Procedure. 28 USC app.

Relief.

"(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union, or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled, or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 704(a)." Back pay liability.

Post, p. 109.

(b)(1) Subsection (i) of section 706 of such Act is amended by striking out "subsection (e)" and inserting in lieu thereof "this section". 78 Stat. 259. 42 USC 2000e-5.

(2) Subsection (j) of such section is amended by striking out "subsection (e)" and inserting in lieu thereof "this section".

SEC. 5. Section 707 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection: 42 USC 2000e-6.

"(c) Effective two years after the date of enactment of the Equal Employment Opportunity Act of 1972, the functions of the Attorney General under this section shall be transferred to the Commission, together with such personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with such functions unless the President submits, and neither House of Congress vetoes, a reorganization plan pursuant to chapter 9 of title 5, United States Code, inconsistent with the provisions of this subsection. The Commission shall carry out such functions in accordance with subsections (d) and (e) of this section. Transfer of functions. 80 Stat. 394; 85 Stat. 574. 5 USC 901.

"(d) Upon the transfer of functions provided for in subsection (c) of this section, in all suits commenced pursuant to this section prior to the date of such transfer, proceedings shall continue without abatement, all court orders and decrees shall remain in effect, and the Commission shall be substituted as a party for the United States of America, the Attorney General, or the Acting Attorney General, as appropriate.

"(e) Subsequent to the date of enactment of the Equal Employment Opportunity Act of 1972, the Commission shall have authority to investigate and act on a charge of a pattern or practice of discrimination, whether filed by or on behalf of a person claiming to be aggrieved or by a member of the Commission. All such actions shall be conducted in accordance with the procedures set forth in section 706 of this Act." Authority.

Ante, p. 104.

SEC. 6. Subsections (b), (c), and (d) of section 709 of the Civil

Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e-8(b)-(d)) are amended to read as follows:

State and local agencies, cooperation.

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

Recordkeeping; reports.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which applications were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, or the Attorney General in a case involving a government, governmental agency or political subdivision, have jurisdiction to issue to such person an order requiring him to comply.

State and Federal agencies, coordination.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements

with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

Information, availability.

SEC. 7. Section 710 of the Civil Rights Act of 1964 (78 Stat. 264; 42 U.S.C. 2000e–9) is amended to read as follows:

"INVESTIGATORY POWERS

"SEC. 710. For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455; 29 U.S.C. 161) shall apply."

61 Stat. 150; 84 Stat. 930.

SEC. 8. (a) Section 703(a)(2) of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e–2(a)(2)) is amended by inserting the words "or applicants for employment" after the words "his employees".

(b) Section 703(c)(2) of such Act is amended by inserting the words "or applicants for membership" after the word "membership".

78 Stat. 257. 42 USC 2000e-3.

(c)(1) Section 704(a) of such Act is amended by inserting a comma and the following: "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency".

(2) Section 704(b) of such Act is amended by (A) striking out "or employment agency" and inserting in lieu thereof "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs,", and (B) inserting a comma and the words "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee" before the word "indicating".

Equal Employment Opportunity Commission.

(d) Section 705(a) of the Civil Rights Act of 1964 (78 Stat. 258; 42 U.S.C. 2000e–4(a)) is amended to read as follows:

"SEC. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party. Members of the Commission shall be appointed by the President by and with the advice and consent of the Senate for a term of five years. Any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed, and all members of the Commission shall continue to serve until their successors are appointed and qualified, except that no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and, except as provided in subsection (b), shall appoint, in accordance with the provisions of title 5, United States

Term.

5 USC 101 *et seq.*

Code, governing appointments in the competitive service, such officers, agents, attorneys, hearing examiners, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with 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: *Provided*, That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code."

5 USC 5101, 5331.

80 Stat. 415, 425, 473, 528.

(e) (1) Section 705 of such Act is amended by inserting after subsection (a) the following new subsection (b):

78 Stat. 258. 42 USC 2000e-4.

General Counsel, appointment.

"(b) (1) There shall be a General Counsel of the Commission appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel shall have responsibility for the conduct of litigation as provided in sections 706 and 707 of this title. The General Counsel shall have such other duties as the Commission may prescribe or as may be provided by law and shall concur with the Chairman of the Commission on the appointment and supervision of regional attorneys. The General Counsel of the Commission on the effective date of this Act shall continue in such position and perform the functions specified in this subsection until a successor is appointed and qualified.

Ante, p. 104. *Ante*, p. 107.

"(2) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court pursuant to this title."

Repeal.

(2) Subsections (e) and (h) of such section 705 are repealed.

(3) Subsections (b), (c), (d), (i), and (j) of such section 705, and all references thereto, are redesignated as subsections (c), (d), (e), (h), and (i), respectively.

(f) Section 705(g)(6) of such Act, is amended to read as follows:

"(6) to intervene in a civil action brought under section 706 by an aggrieved party against a respondent other than a government, governmental agency or political subdivision."

42 USC 2000e-13.

(g) Section 714 of such Act is amended to read as follows:

"FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

62 Stat. 688; 65 Stat. 721.

"SEC. 714. The provisions of sections 111 and 1114, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties. Notwithstanding the provisions of sections 111 and 1114 of title 18, United States Code, whoever in violation of the provisions of section 1114 of such title kills a person while engaged in or on account of the performance of his official functions under this Act shall be punished by imprisonment for any term of years or for life."

80 Stat. 460; 85 Stat. 625.

SEC. 9. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new clause:

"(58) Chairman, Equal Employment Opportunity Commission."

(b) Clause (72) of section 5315 of such title is amended to read as follows:

"(72) Members, Equal Employment Opportunity Commission (4)."

Repeal.

(c) Clause (111) of section 5316 of such title is repealed.

84 Stat. 968; *Ante*, p. 69.

(d) Section 5316 of such title is amended by adding at the end thereof the following new clause:

"(131) General Counsel of the Equal Employment Opportunity Commission."

SEC. 10. Section 715 of the Civil Rights Act of 1964 is amended to read as follows:

78 Stat. 265.
42 USC 2000e-14 note.

"EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

"SEC. 715. There shall be established an Equal Employment Opportunity Coordinating Council (hereinafter referred to in this section as the Council) composed of the Secretary of Labor, the Chairman of the Equal Employment Opportunity Commission, the Attorney General, the Chairman of the United States Civil Service Commission, and the Chairman of the United States Civil Rights Commission, or their respective delegates. The Council shall have the responsibility for developing and implementing agreements, policies and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among the operations, functions and jurisdictions of the various departments, agencies and branches of the Federal Government responsible for the implementation and enforcement of equal employment opportunity legislation, orders, and policies. On or before July 1 of each year, the Council shall transmit to the President and to the Congress a report of its activities, together with such recommendations for legislative or administrative changes as it concludes are desirable to further promote the purposes of this section."

Report to President and Congress.

SEC. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new section:

Ante, p. 103.

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units of the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on race, color, religion, sex, or national origin.

80 Stat. 378.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission shall have authority to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section, and shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

Enforcement; rules and regulations.

"(1) be responsible for the annual review and approval of a national and regional equal employment opportunity plan which each department and agency and each appropriate unit referred to in subsection (a) of this section shall submit in order to maintain an affirmative program of equal employment opportunity for all such employees and applicants for employment;

National and regional plan, annual review.

Progress reports, publication.

"(2) be responsible for the review and evaluation of the operation of all agency equal employment opportunity programs, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(3) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to equal employment opportunity.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. The plan submitted by each department, agency, and unit shall include, but not be limited to—

"(1) provision for the establishment of training and education programs designed to provide a maximum opportunity for employees to advance so as to perform at their highest potential; and

"(2) a description of the qualifications in terms of training and experience relating to equal employment opportunity for the principal and operating officials of each such department, agency, or unit responsible for carrying out the equal employment opportunity program and of the allocation of personnel and resources proposed by such department, agency, or unit to carry out its equal employment opportunity program.

Librarian of Congress, authority.

With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Within thirty days of receipt of notice of final action taken by a department, agency, or unit referred to in subsection 717(a), or by the Civil Service Commission upon an appeal from a decision or order of such department, agency, or unit on a complaint of discrimination based on race, color, religion, sex or national origin, brought pursuant to subsection (a) of this section, Executive Order 11478 or any succeeding Executive orders, or after one hundred and eighty days from the filing of the initial charge with the department, agency, or unit or with the Civil Service Commission on appeal from a decision or order of such department, agency, or unit until such time as final action may be taken by a department, agency, or unit, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706, in which civil action the head of the department, agency, or unit, as appropriate, shall be the defendant.

42 USC 2000e note.

Ante, p. 104.

78 Stat. 259.
42 USC 2000e-5.

"(d) The provisions of section 706 (f) through (k), as applicable, shall govern civil actions brought hereunder.

"(e) Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution and statutes or of its or his responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government."

USC prec. title 1.

80 Stat. 453;
84 Stat. 1955.

SEC. 12. Section 5108(c) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (9);

(2) striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding immediately after paragraph (10) the last time it appears therein in the following new paragraph:

"(11) the Chairman of the Equal Employment Opportunity Commission, subject to the standards and procedures prescribed by this chapter, may place an additional ten positions in the Equal Employment Opportunity Commission in GS–16, GS–17, and GS–18 for the purposes of carrying out title VII of the Civil Rights Act of 1964."

SEC. 13. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is further amended by adding at the end thereof the following new section: *Ante*, p. 111.

"SPECIAL PROVISION WITH RESPECT TO DENIAL, TERMINATION, AND SUSPENSION OF GOVERNMENT CONTRACTS

"SEC. 718. No Government contract, or portion thereof, with any employer, shall be denied, withheld, terminated, or suspended, by any agency or officer of the United States under any equal employment opportunity law or order, where such employer has an affirmative action plan which has previously been accepted by the Government for the same facility within the past twelve months without first according such employer full hearing and adjudication under the provisions of title 5, United States Code, section 554, and the following pertinent sections: *Provided*, That if such employer has deviated substantially from such previously agreed to affirmative action plan, this section shall not apply: *Provided further*, That for the purposes of this section an affirmative action plan shall be deemed to have been accepted by the Government at the time the appropriate compliance agency has accepted such plan unless within forty-five days thereafter the Office of Federal Contract Compliance has disapproved such plan." 80 Stat. 384.

SEC. 14. The amendments made by this Act to section 706 of the Civil Rights Act of 1964 shall be applicable with respect to charges pending with the Commission on the date of enactment of this Act and all charges filed thereafter. Effective date. *Ante*, p. 104.

Approved March 24, 1972.

Public Law 92-262

AN ACT

To continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

March 24, 1972
[H. R. 8293]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the International Coffee Agreement Act of 1968 (19 U.S.C. 1356f) is amended by striking out "July 1, 1971" and inserting in lieu thereof "October 1, 1973". 82 Stat. 1348; 84 Stat. 2077.

Approved March 24, 1972.

Public Law 92-263

AN ACT

To authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes.

March 24, 1972
[S. 1362]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is hereby authorized to contract, D.C. Non-Federal reservoir costs, contract authority.

within an amount specified in a District of Columbia Appropriation Act, with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District of Columbia to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Commissioner may deem necessary or appropriate.

SEC. 2. Unless hereafter otherwise provided by law, all payments made by the District of Columbia and all moneys received by the District of Columbia pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, the District of Columbia Water Fund. Charges for water delivered from the District of Columbia water system for use outside the District of Columbia may be adjusted to reflect the portions of any payments made by the District of Columbia under contracts authorized by this Act which are equitably attributable to such use outside the District.

Water delivery charges.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Appropriation.

Approved March 24, 1972.

Public Law 92-264

March 30, 1972
[S. 18]

AN ACT

To amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Information and Educational Exchange Act of 1948 is amended by inserting after section 702 the following new section:

Radio Free Europe and Radio Liberty.
Appropriation authorization.
62 Stat. 11.
22 USC 1477.

"AUTHORIZATION FOR GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY

"SEC. 703. There are authorized to be appropriated to the Department $36,000,000 for fiscal year 1972 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated under this section, no funds appropriated after the date of enactment of this section for any fiscal year, under this or any other provision of law, may be made available to or for the use of Radio Free Europe or Radio Liberty."

Approved March 30, 1972.

Public Law 92-265

March 30, 1972
[H. R. 10390]

AN ACT

To extend the life of the Indian Claims Commission, 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 23 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (75 Stat. 92; 25 U.S.C. 70v), is hereby amended by striking said section and inserting in lieu thereof the following:

Indian Claims Commission.
Termination date, extension.

81 Stat. 11.

"DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

"SEC. 23. The existence of the Commission shall terminate at the end of fifteen years from and after April 10, 1962, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. The records and files in all other pending cases, if any, including those on appeal shall be transferred to the United States Court of Claims, and jurisdiction is hereby conferred upon the United States Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act: *Provided*, That section 2 of said Act shall not apply to any case filed originally in the Court of Claims under section 1505 of title 28, United States Code." 63 Stat. 102.

SEC. 2. Section 27(a) of such Act of August 13, 1946, as amended (25 U.S.C. 70v–1), is amended by striking said section and inserting in lieu thereof the following: 81 Stat. 11.

"TRIAL CALENDAR

"SEC. 27. (a) The Commission from time to time shall prepare a trial calendar which shall set a date for the trial of the next phase of each claim as soon as practical after a decision of the Commission or the United States Court of Claims or the Supreme Court of the United States makes such setting possible, but such date shall not be later than one year from the date of such decision except on a clear showing by a party that irreparable harm would result unless longer preparation were allowed."

SEC. 3. Section 27(b) of such Act of August 13, 1946, as amended (25 U.S.C. 70v–1), is amended by striking said section and inserting in lieu thereof the following:

"SEC. 27. (b) If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calendar."

SEC. 4. The Act of August 13, 1946, as amended, is further amended by adding at the end thereof a new section as follows: Report to congressional committees. 60 Stat. 1049. 25 USC 70.

"SEC. 28. The Commission shall, on the first day of each session of Congress, submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives, a report showing the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining case, along with a projected date for its completion."

SEC. 5. Section 6 of such Act of August 13, 1946 (25 U.S.C. 70e), is amended by adding at the end thereof the following: "There are authorized to be appropriated for the necessary expenses of the Commission not to exceed $1,500,000 for fiscal year 1973, and appropriations for succeeding fiscal years shall be made only to the extent hereafter authorized by Act of Congress." Appropriations. 81 Stat. 11.

Approved March 30, 1972.

Public Law 92-266

March 30, 1972
[S. 3353]

AN ACT

To provide for the striking of medals in commemoration of the First United States International Transportation Exposition.

First U.S. International Transportation Exposition. Commemorative 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 First United States International Transportation Exposition, to be held at Dulles Airport, May 27 through June 4, 1972, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, and with suitable emblems, devices, and inscriptions to be determined by the Secretary of Transportation, subject to the approval of the Secretary.

Cost.

SEC. 2. The Secretary shall furnish the medals to the Secretary of Transportation at a price equal to the cost of the manufacture.

SEC. 3. The Secretary shall also cause such medals to be sold by the mint, as a list medal, 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 March 30, 1972.

Public Law 92-267

March 30, 1972
[S. 904]

AN ACT

To amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

Uniform Time Act, amendment. Advanced time option, allowance. 80 Stat. 107.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone."

Approved March 30, 1972.

Public Law 92-268

March 31, 1972
[S. 3160]

AN ACT

To provide for a modification in the par value of the dollar, and for other purposes.

Par Value Modification Act.

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

SECTION 1. This Act may be cited as the "Par Value Modification Act".

New value, establishment.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to take the steps necessary to establish a new par value of the dollar of $1 equals one thirty-eighth of a fine troy ounce of gold. When established such par value shall be the legal standard for defining the

relationship of the dollar to gold for the purpose of issuing gold certificates pursuant to section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b).

48 Stat. 343; 82 Stat. 51.

SEC. 3. The Secretary of the Treasury is authorized and directed to maintain the value in terms of gold of the holdings of United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank to the extent provided in the articles of agreement of such institutions. There is hereby authorized to be appropriated, to remain available until expended, such amounts as may be necessary to provide for such maintenance of value.

Maintenance.

Appropriation.

SEC. 4. The increase in the value of the gold held by the United States (including the gold held as security for gold certificates) resulting from the change in the par value of the dollar authorized by section 2 of this Act shall be covered into the Treasury as a miscellaneous receipt.

Increment disposition.

Approved March 31, 1972.

Public Law 92-269

AN ACT

To change the minimum age qualification for serving as a juror in Federal courts from twenty-one years of age to eighteen years of age.

April 6, 1972
[S. 1975]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1865 (b)(1) of title 28, United States Code, is amended by striking out "twenty-one years" and inserting in lieu thereof "eighteen years".

Jury service. Minimum age qualification. 82 Stat. 58.

SEC. 2. Section 1863(b)(4) of title 28, United States Code, is amended by inserting before the period at the end thereof ", the interval for which shall not exceed four years".

SEC. 3. (a) Each judicial district and each division or combination of divisions within a judicial district, for which a separate plan for random selection of jurors has been adopted pursuant to section 1863 of title 28, United States Code, other than the District of Columbia and the districts of Puerto Rico and the Canal Zone, shall not later than September 1, 1973, refill its master jury wheel with names obtained from the voter registration lists for, or the lists of actual voters in, the 1972 general election.

Master jury wheel, refill.

(b) The District of Columbia and the judicial districts of Puerto Rico and the Canal Zone shall not later than September 1, 1973, refill their master jury wheels from sources which include the names of persons eighteen years of age or older.

(c) The qualified jury wheel in each judicial district, and in each division or combination of divisions in a judicial district for which a separate plan for random selection of jurors has been adopted, shall be refilled from the master jury wheel not later than October 1, 1973.

SEC. 4. (a) Nothing in this Act shall affect the composition of any master jury wheel or qualified jury wheel prior to the date on which it is first refilled in compliance with the terms of section 3.

(b) Nothing in this Act shall affect the composition or preclude the service of any jury empaneled on or before the date on which the qualified jury wheel from which the jurors' names were drawn is refilled in compliance with the provisions of section 3.

Approved April 6, 1972.

Public Law 92-270

April 6, 1972
[H. R. 9526]

AN ACT

To authorize certain naval vessel loans, and for other purposes.

Naval vessels.
Loans to foreign countries.
70A Stat. 452.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend five destroyers and two submarines to the Government of Spain; one destroyer and two submarines to the Government of Turkey; two destroyers to the Government of Greece; two destroyers to the Republic of Korea; and two submarines to the Government of Italy in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this Act shall be charged to funds programed for the recipient government as grant military assistance under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation, or to funds provided by the recipient government. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1974.

75 Stat. 424.
22 USC 2151 note.
Presidential authority, termination date.

Loan periods.

SEC. 2. Loans executed under this Act shall be for periods, not exceeding five years, at the end of which, each ship shall be returned to the United States Navy at a location to be designated by the Secretary of Defense. Loans executed under this Act shall be made subject to the condition that the loan may be terminated by the President if he finds that the armed forces of the borrowing country have engaged at any time after the date of such loan, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Loans shall be made on the condition that they shall be terminated at an earlier date if the President determines they no longer contribute to the defense requirements of the United States.

Termination conditions.

SEC. 3. No loan may be made under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

Information to Congress.

SEC. 4. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

Rules and regulations.

SEC. 5. Any loan made to a country under this Act shall not be construed as a commitment by the United States to the defense of that country.

Approved April 6, 1972.

Public Law 92-271

April 10, 1972
[H. R. 8787]

AN ACT

To provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives.

Guam and Virgin Islands.
Delegate to the House of Representatives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

SEC. 2. (a) The Delegate shall be elected by the people qualified to vote for the members of the legislature of the territory he is to represent at the general election of 1972, and thereafter at such general election every second year thereafter. The Delegate shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified. Election. Vacancy.

(b) The term of the Delegate shall commence on the third day of January following the date of the election.

SEC. 3. To be eligible for the Office of Delegate a candidate must— Eligibility.

(a) be at least twenty-five years of age on the date of the election,

(b) have been a citizen of the United States for at least seven years prior to the date of the election,

(c) be an inhabitant of the territory from which he is elected, and

(d) not be, on the date of the election, a candidate for any other office.

SEC. 4. The legislature of each territory may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein. Territorial legislature, election procedures.

SEC. 5. The Delegate from Guam and the Delegate from the Virgin Islands shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from each territory shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to the Resident Commissioner for Puerto Rico: *Provided*, That the right to vote in committee shall be as provided by the Rules of the House of Representatives: *Provided further*, That the clerk hire allowance of each Delegate shall be a single per annum gross rate that is 60 per centum of the clerk hire allowance of a Member: *Provided further*, That the transportation expenses of each Delegate that are subject to reimbursement under section 1 of the Act of September 17, 1967 (81 Stat. 226, 2 U.S.C. 43b), shall not exceed the cost of four round trips each year. Compensation, allowances, etc. Clerk hire allowance. Transportation expenses. 85 Stat. 128.

Approved April 10, 1972.

Public Law 92-272

April 11, 1972
[S. 2601]

AN ACT

To provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

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

National park system units.
Appropriation ceilings increase; boundary changes.

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:

16 USC 459f-10. (1) Assateague Island National Seashore, Maryland: section 11 of the Act of September 21, 1965 (79 Stat. 824, 827) is amended by changing "$16,250,000" to "$21,050,000 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States)";

(2) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "$20,000" to "$42,500";

16 USC 460t-4. (3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913) is amended by changing "$355,000" to "$780,000";

(4) Effigy Mounds National Monument, Iowa: section 5 of the Act of May 27, 1961 (75 Stat. 88), is amended by changing "$2,000" to "$14,000";

16 USC 428m. (5) Fort Donelson National Military Park, Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "$226,000" to "$454,000";

16 USC 431 note. (6) Lincoln Boyhood National Memorial, Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "$1,000,000" to "$1,320,000" and "$75,000" to "$395,000";

16 USC 460m-7. (7) Ozark National Scenic Riverways, Missouri: section 8 of the Act of August 27, 1964 (78 Stat. 608), is amended by changing "$7,000,000" to "$10,804,000"; and

(8) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by changing "$57,100" to "$150,100".

TITLE II—DEVELOPMENT CEILING INCREASES

SEC. 201. The limitations on appropriations for acquisition and development of units of the national park system contained in the following Acts are amended as follows:

16 USC 461 note. (1) Herbert Hoover National Historic Site, Iowa: section 4 of the Act of August 12, 1965 (79 Stat. 510), is amended by changing "$1,650,000" to "$3,500,000";

16 USC 450*ll* note. (2) Booker T. Washington National Monument, Virginia: section 4 of the Act of April 2, 1956 (70 Stat. 86), is amended by changing "$200,000" to "$600,000";

16 USC 431 note. (3) Johnstown Flood National Memorial, Pennsylvania: section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by changing "$2,000,000" to "$2,244,600"; and

16 USC 284b. (4) Wolf Trap Farm Park, Virginia: section 3 of the Act of October 15, 1966 (80 Stat. 950), is amended by changing "$600,000" to "$5,473,000".

SEC. 202. The additional sums authorized to be appropriated for development in the Acts as amended in section 201 are based on March 1971 prices and may be increased or decreased in appropriation Acts by such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved for each area.

Cost fluctuation, ceiling adjustment.

TITLE III—BOUNDARY CHANGES

SEC. 301. The Secretary of the Interior is authorized to revise the boundaries of the following units of the national park system:

(1) Adams National Historic Site, Massachusetts: to add approximately 3.68 acres;

(2) Cowpens National Battleground Site, South Carolina: to add approximately 845 acres;

(3) Fort Caroline National Memorial, Florida: to add approximately 12.5 acres;

(4) George Washington Birthplace National Monument, Virginia: to add approximately 62.3 acres;

(5) Glacier National Park, Montana: to add approximately 267.90 acres and to exclude approximately 68.47 acres;

(6) Isle Royale National Park, Michigan: to add approximately 0.52 acre;

(7) Johnstown Flood National Memorial, Pennsylvania: to add approximately 53.6 acres;

(8) Lassen Volcanic National Park, California: to exclude approximately 482 acres;

(9) Muir Woods National Monument, California: to add approximately 49.7 acres;

(10) Ozark National Scenic Riverways, Missouri: to add approximately 1,670 acres; and

(11) Petersburg National Battlefield, Virginia: to exclude approximately 257.53 acres.

SEC. 302. The boundary revisions authorized in section 301 shall become effective upon publication in the Federal Register of a map or other description of the lands added or excluded by the Secretary of the Interior.

Publication in Federal Register.

SEC. 303. Within the boundaries of the areas as revised in accordance with section 301, the Secretary of the Interior is authorized to acquire lands and interest therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subject to all laws, rules, and regulations applicable thereto. When acquiring any land pursuant to this Act, the Secretary (i) may tender, to the owner or owners of record on the date of enactment of this Act, a revocable permit for the continued use and occupancy of such land or any portion thereof subject to such terms and conditions as he deems necessary or (ii) may acquire any land pursuant to this Act subject to the retention of a right of use and occupancy for a term not to exceed 25 years or for the life of the owner or owners. Lands and interests therein excluded from the areas pursuant to section 301 may be exchanged for non-Federal lands within the boundaries as revised, or they may be transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, as the Secretary of the Interior may deem appropriate. In exercising the authority in this section with respect to lands and interests therein excluded from the areas, the Secretary of the Interior may, on behalf of the United States, retrocede to the appropriate State exclusive or concurrent legislative jurisdiction subject to such terms and conditions as he may deem

Land acquisition.

State jurisdiction, retrocession.

Disposal.

63 Stat. 378.
40 USC 471 note.

appropriate, over such lands, to be effective upon acceptance thereof by the State. Any such lands not so exchanged or transferred may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

Appropriation.

SEC. 304. For the acquisition of lands and interests in lands which are added to the areas referred to in section 301, there are authorized to be appropriated such sums as may be necessary, but not more than the following amounts:

(1) Adams National Historic Site, $122,000;

(2) George Washington Birthplace National Monument, $57,000;

(3) Glacier National Park, $6,000;

(4) Isle Royale National Park, $31,500;

(5) Johnstown Flood National Memorial, $10,000; and

(6) Muir Woods National Monument, $950,000.

SEC. 305. The authorities in this title are supplementary to any other authorities available to the Secretary of the Interior with respect to the acquisition, development, and administration of the areas referred to in section 301.

TITLE IV—MISCELLANEOUS CHANGES

Ozark National Scenic Riverways.
16 USC 460m-1.

SEC. 401. The third sentence of section 2 of the Act of August 27, 1964 (78 Stat. 608) is amended to read as follows: "Lands and waters owned by the State of Missouri within such area may be acquired with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for National Scenic Riverway."

Cowpens National Battlefield, designation.

SEC. 402. For the purposes of the Cowpens National Battleground Site, which is hereby redesignated as the Cowpens National Battlefield, there are authorized to be appropriated not more than $2,363,900 for the acquisition of lands and interests in lands and not more than $3,108,000 for development.

Approved April 11, 1972.

Public Law 92-273

April 17, 1972
[H. R. 12749]

AN ACT

To authorize appropriations for the saline water conversion program for fiscal year 1973.

Saline water conversion program.
Appropriation authorization.
42 USC 1959 note.

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 1973, the sum of $26,871,000 to remain available until expended as follows:

(1) Research expense, not more than $5,850,000;

(2) Development expense, not more than $12,131,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $5,085,000;

(4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,075,000; and

(5) Administration and coordination, not more than $2,730,000.

Expenditures and obligations under paragraphs (1), (2), (3), and (4) of this subsection may be increased by not more than 10 per centum

and expenditures and obligations under paragraph (5) may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

Approved April 17, 1972.

Public Law 92-274

JOINT RESOLUTION

April 20, 1972
[H. J. Res. 1095]

Authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month".

National Check Your Vehicle Emissions Month. Designation authorization.

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 the month of April 1972 as "National Check Your Vehicle Emissions Month", and call upon the motorists and the automotive industry of the United States to take appropriate steps during the month of April 1972 to reduce substantially air pollution from the motor vehicles operating on the streets and highways.

Approved April 20, 1972.

Public Law 92-275

AN ACT

April 20, 1972
[S. 3153]

To amend the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), an Act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

Gulf Islands National Seashore. Expansion. 16 USC 459h-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 8, 1971 (Public Law 91-660; 84 Stat. 1967) is amended as follows:

(1) In section 2(a) revise the second sentence by deleting "one hundred thirty-five" and inserting in lieu thereof "four hundred" and

Appropriation. 16 USC 459h-10.

(2) In section 11 delete "$3,120,000" and insert in lieu thereof "$3,462,000" and delete "$14,779,000 (1970 prices)" and insert "$17,774,000 (June 1970 prices)".

Approved April 20, 1972.

Public Law 92-276

JOINT RESOLUTION

April 24, 1972
[H. J. Res. 563]

To authorize the President to proclaim the last Friday of April 1972, as "National Arbor Day".

National Arbor Day. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April of 1972 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

Approved April 24, 1972.

Public Law 92-277

April 24, 1972
[S. 3054]

AN ACT

To amend the Manpower Development and Training Act of 1962.

Manpower Development and Training Act of 1962, amendment.
82 Stat. 1352.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out "1972" the first time it appears in such section and inserting in lieu thereof "1973".

76 Stat. 33.

(b) Section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is further amended by striking out the colon and the following: "*Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1972".

Certain U.S. Postal Service property, treatment.
64 Stat. 1100.
20 USC 236.

SEC. 2. All real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred.

Approved April 24, 1972.

Public Law 92-278

April 24, 1972
[H. J. Res. 687]

JOINT RESOLUTION

To authorize the President to designate the third Sunday in June of each year as Father's Day.

Father's Day.
Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in June of each year is hereby designated as "Father's Day". The President is authorized and requested to issue a proclamation calling on the appropriate Government officials to display the flag of the United States on all Government buildings on such day, inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging our people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers.

Approved April 24, 1972.

Public Law 92-279

April 26, 1972
[H. R. 9900]

AN ACT

To amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

Prisoners of war, Vietnam conflict.
Income tax exclusion.
68A Stat. 34;
80 Stat. 1165.
26 USC 112.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 112 of the Internal Revenue Code of 1954 (relating to certain combat pay of members of the Armed Forces) is amended by adding at the end thereof the following new subsection:

"(d) PRISONERS OF WAR, ETC.

"(1) MEMBERS OF THE ARMED FORCES.—Gross income does not include compensation received for active service as a member of the Armed Forces of the United States for any month during any

part of which such member is in a missing status (as defined in section 551(2) of title 37, United States Code) during the Vietnam conflict as a result of such conflict, other than a period with respect to which it is officially determined under section 552(c) of such title 37 that he is officially absent from his post of duty without authority. 80 Stat. 625.

"(2) CIVILIAN EMPLOYEES.—Gross income does not include compensation received for active service as an employee for any month during any part of which such employee is in a missing status during the Vietnam conflict as a result of such conflict. For purposes of this paragraph, the terms 'active service', 'employee', and 'missing status' have the respective meanings given to such terms by section 5561 of title 5 of the United States Code. 80 Stat. 489.

"(3) PERIOD OF CONFLICT.—For purposes of this subsection, the Vietnam conflict began February 28, 1961, and ends on the date designated by the President by Executive order as the date of the termination of combatant activities in Vietnam. For purposes of this subsection, an individual is in a missing status as a result of the Vietnam conflict if immediately before such status began he was performing service in Vietnam or was performing service in Southeast Asia in direct support of military operations in Vietnam."

SEC. 2. Section 3401(a)(1) of the Internal Revenue Code of 1954 (defining wages for purposes of withholding) is amended to read as follows: 69 Stat. 616. 26 USC 3401.

"(1) for active service performed in a month for which such employee is entitled to the benefits of section 112 (relating to certain combat pay of members of the Armed Forces of the United States); or".

SEC. 3. (a)(1) The amendment made by the first section of this Act shall apply to taxable years ending on or after February 28, 1961. Effective date.

(2) If refund or credit of any overpayment for any taxable year resulting from the application of the amendment made by the first section of this Act (including interest, additions to the tax, and additional amounts) is prevented at any time before the expiration of the applicable period specified in paragraph (3) by the operation of any law or rule of law, such refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed before the expiration of such applicable period. Refund.

(3) For purposes of paragraph (2), the applicable period for any individual with respect to any compensation is the period ending on whichever of the following days is the later: Applicable period.

(A) the day which is one year after the date of the enactment of this Act, or

(B) the day which is 2 years after the date on which it is determined that the individual's missing status (within the meaning of section 112(d) of the Internal Revenue Code of 1954) has terminated for purposes of such section 112. *Ante*, p. 124.

(b) The amendments made by section 2 shall apply to wages paid on or after the first day of the first calendar month which begins more than 30 days after the date of the enactment of this Act. Effective date.

Approved April 26, 1972.

Public Law 92-280

April 26, 1972
[H. R. 10344]

AN ACT

To authorize the District of Columbia to enter into the Interstate Compact on Mental Health.

Interstate Compact on Mental Health Act.

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 "Interstate Compact on Mental Health Act".

SEC. 2. The Commissioner of the District of Columbia is hereby authorized to enter into and execute on behalf of the District of Columbia an agreement with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE COMPACT ON MENTAL HEALTH

"ARTICLE I—PURPOSE AND FINDINGS

"The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

"ARTICLE II—DEFINITIONS

"As used in this compact:

"(a) 'Sending state' shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

"(b) 'Receiving state' shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

"(c) 'Institution' shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency, and shall include Saint Elizabeth's Hospital in the District of Columbia.

"(d) 'Patient' shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

"(e) 'After-care' shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

"(f) 'Mental illness' shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

"(g) 'Mental deficiency' shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

"(h) 'State' shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"ARTICLE III—ELIGIBILITY AND PLACEMENT OF PATIENTS

"(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

"(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

"(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

"(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

"(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

"ARTICLE IV—AFTER-CARE OR SUPERVISION IN THE RECEIVING STATE

"(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

"(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending

state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

"(c) In supervising, treating, or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

"ARTICLE V—ESCAPE OF DANGEROUS OR POTENTIALLY DANGEROUS PATIENTS

"Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found pending disposition in accordance with law.

"ARTICLE VI—TRANSPORTING PATIENTS THROUGH PARTY STATES

"The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact, without interference.

"ARTICLE VII—PAYMENT OF COSTS

"(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

"(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

"(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

"(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

"(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a non-party state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

"ARTICLE VIII—GUARDIANS

"(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for which he may serve, except that where the transfer of any patient to

another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances: *Provided, however*, That in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

"(b) The term 'guardian' as used in paragraph (a) of this article shall include any guardian, trustee, legal committee, conservator, or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

"ARTICLE IX—INAPPLICABILITY OF COMPACT TO PERSONS SUBJECT TO PENAL SENTENCE; POLICY AGAINST PLACEMENT OF PATIENTS IN PRISONS OR JAILS

"(a) No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

"(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

"ARTICLE X—COMPACT ADMINISTRATORS

"(a) Each party state shall appoint a 'compact administrator' who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

"(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

"ARTICLE XI—SUPPLEMENTARY AGREEMENTS

"The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find

that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

"ARTICLE XII—EFFECTIVE DATE OF COMPACT

"This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

"ARTICLE XIII—WITHDRAWAL FROM COMPACT

"(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of this compact.

"(b) Withdrawal from any agreement permitted by Article XII (b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

"ARTICLE XIV—CONSTRUCTION AND SEVERABILITY

"This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

Compact administrator, designation.

SEC. 3. Pursuant to this compact, the Commissioner of the District of Columbia is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of party States, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator is hereby authorized, empowered, and directed to cooperate with all departments, agencies, and officers of and in the government of the District of Columbia in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by the District thereunder.

D.C. government, cooperation.

Supplementary agreements.

SEC. 4. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of party States pursuant to articles VII and XI of the compact. In the event that such supplementary agreements shall require or contemplate the use of any institution or facility of the District of Columbia or require or contemplate the provision of any service by the District of Columbia, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Payments.

SEC. 5. The compact administrator, subject to the approval of the Commissioner or his designated agent, may make or arrange for any payments necessary to discharge any financial obligations imposed upon the District of Columbia by the compact or by any supplementary agreement entered into thereunder.

Proposed transferees.

SEC. 6. The compact administrator is hereby directed to consult with the immediate family of any proposed transferee and, in the case of a proposed transferee from an institution in the District of Columbia to an institution in a party State, to take no final action without approval of the Superior Court of the District of Columbia.

Copies of Act, distribution.

SEC. 7. Duly authorized copies of this Act shall, upon its approval, be transmitted by the Commissioner or his designated agent to the Governor of each State, the Attorney General and the Administrator of General Services of the United States, and the Council of State Governments.

Approved April 26, 1972.

Public Law 92-281

AN ACT

April 26, 1972
[H. R. 9395]

To authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts.

D.C. teachers. Tax-sheltered annuity program. 69 Stat. 521; 84 Stat. 358.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 1 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501), and of any other law, or regulation affecting the salary of teachers or school officers employed in the service of the public schools of the District of Columbia, the Commissioner of the District of Columbia (hereinafter referred to as the "Commissioner") is authorized to enter into an agreement with a teacher or school officer to reduce the salary of that teacher or school officer by an amount requested by that teacher or school officer, and to contribute that amount for the purchase of an annuity contract described in section 403(b) of the Internal Revenue Code of 1954 (relating to the taxability of beneficiaries of annuity plans) for that teacher or school official.

72 Stat. 1620. 26 USC 403.

(b) The reduction in salary effected under an agreement authorized by this Act shall not be considered in computing the salary for any teacher or school officer for any other purpose including, but not limited to, the determination of benefits or contributions under chapters 81 (relating to workmen's compensation) and 87 (relating to life insurance) of title 5 of the United States Code.

5 USC 8101, 8701.

Regulations.

SEC. 2. The Commissioner shall prescribe such regulations as he deems necessary to carry out the purposes of this Act.

"Teacher or school officer."

SEC. 3. For the purposes of this Act, the term "teacher or school officer" includes all teachers, school officers, and other employees of the Board of Education of the District of Columbia who receive compensation according to the salary schedules under section 1 of the District of Columbia Teachers' Salary Act of 1955, and to whom the provisions of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31–721 et seq.) are applicable.

60 Stat. 875; 84 Stat. 257.

Effective date.

SEC. 4. This Act shall apply with respect to any pay period of any teacher or school officer beginning on or after the one hundred and eightieth day after the date of enactment of this Act.

Approved April 26, 1972.

Public Law 92-282

April 26, 1972
[S. J. Res. 169]

JOINT RESOLUTION

To pay tribute to law enforcement officers of this country on Law Day, May 1, 1972.

Law enforcement officers.
Tribute.
75 Stat. 43.
36 USC 164.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the celebration of Law Day, May 1, 1972, special emphasis be given by a grateful people to the law enforcement officers of the United States of America for their unflinching and devoted service in helping to preserve the domestic tranquillity and guaranteeing to the individual his rights under the law.

Approved April 26, 1972.

Public Law 92-283

April 26, 1972
[S. 766]

AN ACT

To authorize the disposal of zinc from the national stockpile and the supplemental stockpile.

Zinc.
Disposal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five hundred and fifteen thousand two hundred short tons of zinc now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

60 Stat. 596.

7 USC 1704 note.

Bids.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved April 26, 1972.

Public Law 92-284

JOINT RESOLUTION

April 29, 1972
[S. J. Res. 218]

To extend the authority conferred by the Export Administration Act of 1969.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Export Administration Act of 1969, as amended (Public Law 92-37; 85 Stat. 89), is amended by striking out "May 1, 1972" and inserting "August 1, 1972".

85 Stat. 416.
50 USC app. 2413.

Approved April 29, 1972.

Public Law 92-285

JOINT RESOLUTION

May 1, 1972
[S. J. Res. 117]

Asking the President of the United States to declare the fourth Saturday of September 1972 "National Hunting and Fishing Day".

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 1972 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.

National Hunting and Fishing Day.
Designation authorization.

Approved May 1, 1972.

Public Law 92-286

AN ACT

May 1, 1972
[S. 1989]

To amend title 39, United States Code, to provide for the renewal of certain star route contracts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5005 (b)(2) of title 39, United States Code, is amended by striking out "holder" and inserting in lieu thereof "contractor or subcontractor".

Star route contracts.
Renewal.
84 Stat. 767.

Approved May 1, 1972.

Public Law 92-287

AN ACT

May 1, 1972
[S. 978]

Authorizing the conveyance of certain lands to the University of Utah, 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 Secretary of the Interior is authorized and directed to establish, equip, operate, and maintain a metallurgy research center on approximately 35 acres of land located on the Fort Douglas Military Reservation, Utah, which facility will serve as a replacement facility for that now located on the campus of the University of Utah, Salt Lake City, Utah.

University of Utah.
Conveyance.

SEC. 2. To carry out the provisions of this Act, there is authorized to be appropriated such sums not to exceed $6,000,000 as may be necessary for the engineering, design, and construction of the research

Appropriation.

facility referred to in the first section of this Act, together with such equipment and apparatus, roads, and other improvements as may be necessary.

Land description.

SEC. 3. (a) Upon completion of the research facility authorized herein, the Secretary of the Interior is authorized to convey to the University of Utah the following described land situated on the campus of the University of Utah at Salt Lake City: Beginning at a point 480 feet south of the United States stone monument numbered 6 (monument numbered 6 is 876.31 feet south and 2,453.795 feet east, more or less, from the northwest corner of section numbered 4, township 1 south, range 1 east, Salt Lake meridian), running west 664.5 feet; thence north 640 feet; thence east 864.35 feet, thence south 0 degree, 00 minute, 50 seconds east 503.9 feet; thence south 55 degrees, 45 minutes, 00 second west 241.92 feet, more or less, to the point of beginning and containing 12.39 acres, more or less.

Payment to U.S.

(b) The conveyance authorized by this Act shall be subject to the condition that the State of Utah pay to the United States an amount equal to the fair market value, as determined by the Secretary of the Interior, of the fixed improvements on such land to be conveyed.

Approved May 1, 1972.

Public Law 92-288

May 5, 1972
[H. R. 8817]

AN ACT

To further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes.

Cooperative forestry programs. Expansion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Cooperative Forest Management Act of August 25, 1950 (64 Stat. 473, as amended, 16 U.S.C. 568c), is amended to read as follows:

"SECTION 1. The Secretary of Agriculture is hereby authorized to cooperate with State foresters or appropriate officials of the several States, Territories, and possessions for the purpose of encouraging the States, Territories, and possessions to provide technical services to private landowners, forest operators, wood processors, and public agencies, with respect to the multiple-use management and environmental protection and improvement of forest lands, the harvesting, marketing, and processing of forest products, and the protection, improvement, and establishment of trees and shrubs in urban areas, communities, and open spaces. All such technical services shall be provided in each State, Territory, or possession in accordance with a plan agreed upon in advance between the Secretary and the State forester or appropriate official of the State, Territory, or possession. The provisions of this Act and the plan agreed upon for each State, Territory, or possession shall be carried out in such manner as to encourage the utilization of private agencies and individuals furnishing services of the type described in this section."

Appropriation. 76 Stat. 569. 16 USC 568d.

SEC. 2. Section 2 of the Cooperative Forest Management Act is amended by substituting "$20,000,000" for "$5,000,000" at the end of the first sentence.

Forest fire prevention, appropriation.

SEC. 3. (a) The second sentence of section 3 of the Clarke-McNary Act of June 7, 1924 (43 Stat. 653, 16 U.S.C. 566), as amended, is amended to read as follows: "There is authorized to be appropriated annually not more than $40,000,000 to enable the Secretary of Agriculture to carry out the provisions of sections 1, 2, and 3 of this Act.".

Repeal.

(b) Section 1 of the Act of October 26, 1949 (63 Stat. 909, 16 U.S.C. 566a) is hereby repealed.

Approved May 5, 1972.

Public Law 92-289

JOINT RESOLUTION

May 9, 1972
[H. J. Res. 1029]

To authorize the President to issue a proclamation designating the month of May of 1972 as "National Arthritis Month".

National Arthritis Month.
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 is authorized and requested to issue a proclamation (1) designating the month of May of 1972 as "National Arthritis Month", (2) inviting the Governors of the several States to issue proclamations for like purposes, and (3) urging the people of the United States, and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the necessary assistance and resources to discover the causes and cures of arthritis and rheumatic diseases and to alleviate the suffering of persons struck by these diseases.

Approved May 9, 1972.

Public Law 92-290

JOINT RESOLUTION

May 11, 1972
[S. J. Res. 173]

To provide for the appointment of A. Leon Higginbotham, Junior, as citizen regent of the Board of Regents of the Smithsonian Institution.

Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That A. Leon Higginbotham, Junior, a resident of Philadelphia, Pennsylvania, be appointed a member of the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, for the statutory term of six years.

Approved May 11, 1972.

Public Law 92-291

JOINT RESOLUTION

May 11, 1972
[S. J. Res. 174]

To provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution.

Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That John Paul Austin, of Atlanta, Georgia, be appointed a member of the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, for the statutory term of six years.

Approved May 11, 1972.

Public Law 92-292

JOINT RESOLUTION

May 11, 1972
[S. J. Res. 175]

To provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution.

Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert Francis Goheen, of Princeton, New Jersey, be appointed a member of the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, for the statutory term of six years.

Approved May 11, 1972.

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Public Law 92-293

May 11, 1972
[S. 2713]

AN ACT

To amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3651 of title 18 of the United States Code is amended by inserting the following paragraph before the last one:

Narcotic addicts on parole or probation, treatment.
62 Stat. 842.
80 Stat. 1442.
84 Stat. 1240.

"The court may require a person who is an addict within the meaning of section 4251(a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), as a condition of probation, to participate in the community supervision programs authorized by section 4255 of this title for all or part of the period of probation: *Provided*, That the Attorney General certifies a suitable program is available. If the Attorney General determines that the person's participation in the program should be terminated, because the person can derive no further significant benefits from participation or because his participation adversely affects the rehabilitation of other participants, he shall so notify the court, which shall thereupon, by order, make such other provision with respect to the person on probation as it deems appropriate."

Parole, condition.
62 Stat. 854; 84 Stat. 1090.
65 Stat. 98.

SEC. 2. Section (a) of section 4203 of such title is amended by inserting the following paragraph between the third and fourth:

"The Board may require a parolee, or a prisoner released pursuant to section 4164 of this title, who is an addict within the meaning of section 4251(a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), as a condition of parole or release to participate in the community supervision programs authorized by section 4255 of this title for all or part of the period of parole: *Provided*, That the Attorney General certifies a suitable program is available. If the Attorney General determines that the person's participation in the program should be terminated, because the person can derive no further significant benefits from participation or because his participation adversely affects the rehabilitation of other participants, he shall so notify the Board of Parole, which shall thereupon make such other provision with respect to the person as it deems appropriate."

Repeal.
58 Stat. 699; 84 Stat. 1240.
42 USC 259.

SEC. 3. Subsection 343(b) of part E of title III of the Public Health Service Act is repealed.

Approved May 11, 1972.

Public Law 92-294

May 16, 1972
[S. 2676]

AN ACT

To amend the Public Health Service Act to provide for the control of sickle cell anemia.

National Sickle Cell Anemia Control Act.

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

SHORT TITLE

SECTION 1. This Act shall be cited as the "National Sickle Cell Anemia Control Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that sickle cell anemia is a debilitating, inheritable disease that afflicts approximately two million American citizens and has been largely neglected;

(2) that the disease is a deadly and tragic burden which is likely to strike one-fourth of the children born to parents who both bear the sickle cell trait;

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to control sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved; and

(6) that the attainment of better methods of control, diagnosis, and treatment of sickle cell anemia deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the diagnosis, control, and treatment of, and research in, sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I to XI". 79 Stat. 930; 84 Stat. 1506. 42 USC 201 note.

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title: 42 USC 300.

"TITLE XI—SICKLE CELL ANEMIA PROGRAM

"SICKLE CELL ANEMIA SCREENING AND COUNSELING PROGRAMS AND INFORMATION AND EDUCATION PROGRAMS

"SEC. 1101. (a) (1) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities, for projects for the establishment and operation of voluntary sickle cell anemia screening and counseling programs, primarily through other existing health programs.

"(2) The Secretary shall carry out a program to develop information and educational materials relating to sickle cell anemia and to disseminate such information and materials to persons providing health care and to the public generally. The Secretary may carry out such program through grants to public and nonprofit private entities or contracts with public and private entities and individuals.

"(3) In making any grant or contract under this title, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or

contract; and (2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

Appropriation.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $35,000,000 for the fiscal year ending June 30, 1975.

"PROJECT GRANTS AND CONTRACTS

"SEC. 1102. (a) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals, for projects for (1) research and research training in the diagnosis, treatment, and control of sickle cell anemia, (2) the development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia, and (3) the development of sickle cell anemia counseling and testing programs and other programs for diagnosis, control, and treatment of sickle cell anemia.

Appropriation.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $10,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"SEC. 1103. The participation by any individual in any program or portion thereof under this title shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

"APPLICATIONS; ADMINISTRATION OF GRANT AND CONTRACT PROGRAMS

"SEC. 1104. (a) A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information, as the Secretary deems necessary. Each applicant shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(3) provide for appropriate community representation in the development and operation of any program funded by a grant under this title;

"(4) in the case of an application for a grant under section 1101(a)(1), provide assurances satisfactory to the Secretary that (A) the screening and counseling services to be provided under the program for which the application is made will be directed first to those persons who are entering their child-producing years, and secondly to children under the age of 7, and (B) appropriate arrangements have been made to provide counseling to persons found to have sickle cell anemia or the sickle cell trait;

"(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"(b) In making any grant or contract under this title, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any person requesting screening, counseling, or treatment, and shall include appropriate publicity of the availability and voluntary nature of such programs.

"REPORTS

"SEC. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

Approved May 16, 1972.

Public Law 92-295

AN ACT

May 16, 1972
[H. R. 9019]

To provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22–A, and for other purposes.

Indians.
Jicarilla Apache Tribe, N. Mex.
Judgment funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to pay a judgment to the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22–A, together with the interest thereon, after payment of attorney fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. 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. 3. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

Rules and regulations.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved May 16, 1972.

Public Law 92-296

May 16, 1972
[H. R. 11589]

AN ACT

To authorize the foreign sale of certain passenger vessels.

Certain passenger vessels.
Foreign sale.

75 Stat. 89.
46 USC 1183.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding any other provision of law or of prior contract with the United States, any vessel heretofore operated as a passenger vessel, as defined in section 613(a) of the Merchant Marine Act, 1936, as amended, under an operating-differential subsidy contract with the United States and now in inactive or layup status, except the steamship Independence and the steamship United States, may be sold and transferred to foreign ownership, registry, and flag, with the prior approval of the Secretary of Commerce. Such approval shall require (1) approval of the purchaser; (2) payment of existing debt and private obligations related to the vessel; (3) approval of the price, including terms of payment, for the sale of the vessel; (4) the seller to enter into an agreement with the Secretary whereby an amount equal to the net proceeds received from such sale in excess of existing obligations and expenses incident to the sale shall within a reasonable period not to exceed twelve months of receipt be committed and thereafter be used as equity capital for the construction of new vessels which the Secretary determines are built to effectuate the purposes and policy of the Merchant Marine Act, 1936, as amended; and (5) the purchaser to enter into an agreement with the Secretary, binding upon such purchaser and any later owner of the vessel and running with title to the vessel, that (a) the vessel will not carry passengers or cargo in competition, as determined by the Secretary, with any United States-flag passenger vessel for a period of two years from the date the transferred vessel goes into operation; (b) the vessel will be made available to the United States in time of emergency and just compensation for title or use, as the case may be, shall be paid in accordance with section 902 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); (c) the purchaser will comply with such further conditions as the Secretary may impose as authorized by sections 9, 37, and 41 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835, and 839); and (d) the purchaser will furnish a surety bond in an amount and with a surety satisfactory to the Secretary to secure performance of the foregoing agreements.

Approval conditions.

49 Stat. 1985.
46 USC 1245.

53 Stat. 1255;
70 Stat. 985.

40 Stat. 901;
79 Stat. 1305.

Surety bond.

In addition to any other provision such agreements may contain for enforcement of (4) and (5) above, the agreements therein required may be specifically enforced by decree for specific performance or injunction in any district court of the United States. In the agreement with the Secretary the purchaser shall irrevocably appoint a corporate agent within the United States for service of process upon such purchaser in any action to enforce the agreement.

Agreement, enforcement.

SEC. 2. The Secretary of Commerce is authorized and directed to purchase the steamship United States, as is, where is, at the depreciated cost of the vessel to the owner, as determined by the Secretary of Commerce, less the unpaid principal and interest on the mortgage on the vessel, for layup in the National Defense Reserve Fleet and operation for the account of any agency or department of the United States during any period in which vessels may be requisitioned under section 902 of the Merchant Marine Act, 1936, and/or for sale or charter to

SS *United States*, purchase.

a qualified operator for operation under the American flag. The depreciated cost of the vessel to the owner shall be computed on the schedule adopted by the Internal Revenue Service for income tax purposes. Such determination shall be final. The Secretary of Commerce shall require the owner of the vessel to agree that it will pay all existing private obligations related to the vessel, and that it will commit an amount equal to the net proceeds received from such sale in excess of existing obligations and expenses incident to the sale, within a reasonable period not to exceed twelve months of receipt, as equity capital for the construction of new vessels which the Secretary determines are built to effectuate the purposes and policy of the Merchant Marine Act, 1936, as amended.

Depreciated cost computation.

49 Stat. 1985. 46 USC 1245.

Approved May 16, 1972.

Public Law 92-297

AN ACT

May 16, 1972 [H. R. 8083]

To amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 21 of title 5, United States Code, is amended by adding the following new section at the end thereof:

Air traffic controller career programs. 80 Stat. 408. 5 USC 2101.

"§ 2109. Air traffic controller

"For the purpose of this title, 'air traffic controller' or 'controller' means an employee of the Department of Transportation who is actively engaged in the separation and control of air traffic, or who is the immediate supervisor of an employee actively engaged in the separation and control of air traffic, in an air traffic control facility. The Secretary of Transportation may prescribe regulations to determine the application of this section.".

(b) The analysis of chapter 21 of title 5, United States Code, is amended by adding the following new item at the end thereof:

"2109. Air traffic controller.".

SEC. 2. (a) Section 3307 of title 5, United States Code, is amended to read as follows:

"§ 3307. Competitive service; maximum-age entrance requirements; exceptions

"(a) Except as provided in subsections (b) and (c) of this section, appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

"(b) The Secretary of Transportation may, with the concurrence of such agent as the President may designate, determine and fix the maximum limit of age within which an original appointment to a position as an air traffic controller may be made.

"(c) The Secretary of the Interior may determine and fix the minimum and maximum limits of age within which original appointments to the United States Park Police may be made.".

(b) Item 3307 of the analysis of chapter 33 of title 5, United States Code, is amended to read as follows:

"3307. Competitive service; maximum-age entrance requirements; exceptions.".

5 USC 3301.

SEC. 3. (a) Chapter 33 of title 5, United States Code, is amended by adding the following new subchapter at the end thereof:

"SUBCHAPTER VII—AIR TRAFFIC CONTROLLERS

"§ 3381. Training

"(a) An air traffic controller with 5 years of service as a controller who is to be removed as a controller because the Secretary of Transportation has determined—

"(1) he is medically disqualified for duties as a controller;

"(2) he is unable to maintain technical proficiency as a controller; or

"(3) such removal is necessary for the preservation of the physical or mental health of the controller;

is entitled to not more than the full-time equivalent of 2 years of training.

"(b) During a period of training under this section, a controller shall be—

"(1) retained at his last assigned grade and rate of basic pay as a controller;

"(2) entitled to each increase in rate of basic pay provided under law; and

"(3) excluded from staffing limitations otherwise applicable.

"(c) Upon completion of training under this section, a controller may be—

"(1) assigned to other duties in the Department of Transportation;

"(2) released for transfer to another Executive agency; or

"(3) involuntarily separated from the service.

The involuntary separation of a controller under this subsection is not a removal for cause on charges of misconduct, delinquency, or inefficiency for purposes of section 5595 or section 8336 of this title.

81 Stat. 201.
Post, p. 144.
Expense reimbursement.

"(d) The Secretary, without regard to section 529 of title 31, may pay, or reimburse a controller for, all or part of the necessary expenses of training provided under this section, including expenses authorized to be paid under chapter 41 and subchapter I of chapter 57 of this title, and the costs of other services or facilities directly related to the training of a controller.

5 USC 4101.
5 USC 5701.

"(e) Except as provided by subsection (d) of this section, the provisions of chapter 41 of this title, other than sections 4105(a), 4107 (a) and (b), and 4111, shall not apply to training under this section.

"(f) The provisions of this section shall not otherwise affect the authority of the Secretary to provide training under chapter 41 of this title or under any other provision of law.

"§ 3382. Involuntary separation for retirement

"An air traffic controller who is eligible for immediate retirement under section 8336 of this title may be separated involuntarily from

the service if the Secretary of Transportation determines that the separation of the controller is necessary in the interest of—

"(1) aviation safety;

"(2) the efficient control of air traffic; or

"(3) the preservation of the physical or mental health of the controller.

Chapter 75 of this title does not apply to a determination or action under this section. Separation under this section shall not become final, without the consent of the controller, until the last day of the second month following the day the controller receives a notification of the determination by the Secretary under this section, or, if a review is requested under section 3383 of this title, the last day of the month in which a final decision is issued by a board of review under section 3383(c) of this title, whichever is later. A controller who is to be separated under this section is entitled to training under section 3381 of this title. Separation of such a controller who elects to receive training under section 3381 shall not become final until the last day of the month following the completion of his training.

5 USC 7501.

"§ 3383. Determinations; review procedures

"(a) An air traffic controller subject to a determination by the Secretary of Transportation under section 3381(a) or section 3382 of this title, shall be furnished a written notice of the determination and the reasons therefor, and a notification that the controller has 15 days after the receipt of the notification within which to file a written request for reconsideration of the determination. Unless the controller files such a request within the 15 days, or unless the determination is rescinded by the Secretary within the 15 days, the determination shall be final.

Review board.

"(b) If the Secretary does not rescind his determination within 15 days after his receipt of the written request filed by the controller under subsection (a) of this section, the Secretary shall immediately convene a board of review, consisting of—

Membership.

"(1) a person designated by the controller;

"(2) a representative of the Department of Transportation designated by the Secretary; and

"(3) a representative of the Civil Service Commission, designated by the Chairman, who shall serve as chairman of the board of review.

Findings, copies to Secretary and controller.

"(c) The board of review shall review evidence supporting and inconsistent with the determination of the Secretary and, within a period of 30 days after being convened, shall issue its findings and furnish copies thereof to the Secretary and the controller. The board may approve or rescind the determination of the Secretary. A decision by the board under this subsection is final. The Secretary shall take such action as may be necessary to carry out the decision of the board.

"(d) Except as provided under section 3382 of this title, the review procedure of this section is in addition to any other review or appeal procedures provided under any other provision of law, but is the sole and exclusive administrative remedy available to a controller within the Department of Transportation.

"§ 3384. Regulations

"The Secretary of Transportation is authorized to issue regulations to carry out the provisions of this subchapter.

"§ 3385. Effect on other authority

"This subchapter shall not limit the authority of the Secretary of Transportation to reassign temporarily an air traffic controller to other duties with or without notice, in the interest of the safe or efficient separation and control of air traffic or the physical or mental health

of a controller; or to reassign permanently or separate a controller under any other provision of law.".

(b) The analysis of chapter 33 of title 5, United States Code, is amended by adding the following new items at the end thereof:

"SUBCHAPTER VII—AIR TRAFFIC CONTROLLERS

"Sec.
"3381. Training.
"3382. Involuntary separation for retirement.
"3383. Determinations; review procedures.
"3384. Regulations.
"3385. Effect on other authority.".

Mandatory separation.
80 Stat. 571.

SEC. 4. Section 8335 of title 5, United States Code, is amended by inserting the following new subsection at the end thereof:

Exemption.

"(f) An air traffic controller shall be separated from the service on the last day of the month in which he becomes 56 years of age. The Secretary of Transportation, under such regulations as he may prescribe, may exempt a controller having exceptional skills and experience as a controller from the automatic separation provisions of this subsection until that controller becomes 61 years of age. The Secretary of Transportation shall notify the controller in writing of the date of separation at least 60 days before that date. Action to separate the controller is not effective, without the consent of the controller, until the last day of the month in which the 60-day notice expires.".

Notification.

Effective date.

SEC. 5. Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections "(f)", "(g)", and "(h)", respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

Annuity qualification.

"(e) An employee who is voluntarily or involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of service as an air traffic controller or after becoming 50 years of age and completing 20 years of service as an air traffic controller, is entitled to an annuity.".

Annuity computation.
80 Stat. 574; 83 Stat. 139.

SEC. 6. Section 8339 of title 5, United States Code, is amended—

(1) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), (l), and (m) as subsections "(f)", "(g)", "(h)", "(i)", "(j)", "(k)", "(l)", "(m)", and "(n)", respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

Supra.

"(e) The annuity of an employee retiring under section 8336(e) of this title is computed under subsection (a) of this section. That annuity may not be less than 50 percent of the average pay of the employee.".

Limitation.

Civil Service Retirement.
80 Stat. 564.
5 USC 8331.
84 Stat. 1191.

SEC. 7. Subchapter III of chapter 83 of title 5, United States Code, is amended—

(1) by striking out the reference "8339(h)" each place it appears in section 8332(b) (3) and (8), and by inserting the reference "8339(i)" in place thereof;

(2) by striking out the reference "section 8339(m)" in section 8334(g)(5), and inserting the reference "section 8339(n)" in place thereof;

83 Stat. 138.

Supra.

(3) by amending section 8339—

(A) by striking out the reference "subsections (a)-(d)" in redesignated subsection (f), and inserting the reference "subsections (a)-(e)" in place thereof;

(B) by striking out the references "subsections (a), (b), and (e)", "subsections (c) and (e)", and "section 8336(f)", in redesignated subsection (h), and by inserting the references "subsections (a), (b), and (f)", "subsections (c) and (f)", and "section 8336(g)", respectively, in place thereof;

(C) by striking out the reference "subsections (a)–(g)" in redesignated subsection (i), and inserting the reference "subsections (a)–(h)" in place thereof;

(D) by striking out the reference "subsections (a)–(h)" in redesignated subsection (j), and inserting the reference "subsections (a)–(i)" in place thereof;

(E) by striking out the references "subsections (a)–(h)" and "subsection (i)" in redesignated subsection (k), and inserting the references "subsections (a)–(i)" and "subsection (j)", respectively in place thereof;

(F) by striking out the reference "subsections (a)–(j)" in redesignated subsection (l), and inserting the reference "subsections (a)–(k)" in place thereof; and

(G) by striking out the references "subsections (a)–(d)" and "subsection (e)", in redesignated subsection (n), and inserting the references "subsections (a)–(e)" and "subsection (f)", respectively, in place thereof;

(4) by amending section 8341— Survivor annuities. 80 Stat. 577; 84 Stat. 1961. *Ante*, p. 144.

(i) by striking out the references "section 8339 (a)–(h)", "section 8339(i)", and "section 8339(j)" in subsection (b), and inserting the references "section 8339 (a)–(i)", "section 8339(j)", and "section 8339(k)" respectively, in place thereof;

(ii) by striking out the reference "section 8339(j)" in subsection (c), and inserting the reference "section 8339(k)" in place thereof; and

(iii) by striking out the reference "section 8339 (a)–(e) and (h)" in subsection (d), and inserting the reference "section 8339 (a)–(f) and (i)" in place thereof; and

(5) by amending section 8344(a)—

(A) by striking out the reference "section 8339 (a), (b), (d), (g), and (h)" in subparagraph (A) and inserting the reference "section 8339 (a), (b), (d), (e), (h), and (i)" in place thereof; and

(B) by striking out the references "section 8339(i) of section 8339(j)(2)" in the sentence following immediately below clause (ii), and inserting the references "section 8339 (j) or section 8339(k)(2)" in place thereof.

SEC. 8. Section 8335(f) of title 5, United States Code, as added by this Act, does not apply to a person appointed as an air traffic controller by the Department of Transportation before the date of enactment of this Act. Nonapplicability. *Ante*, p. 144.

SEC. 9. The Secretary of Transportation shall make a report to the Congress of his operations under the amendments made by this Act. The report shall include a detailed statement of the effectiveness of this Act in meeting the needs of the air traffic controller career program and of the air traffic control system, and any recommendations which the Secretary considers necessary or desirable for sound management of the program or the system. The Secretary shall make his report not later than 5 years after the date of enactment of this Act. Report to Congress.

SEC. 10. This Act shall become effective at the beginning of the ninetieth day after the date of enactment of this Act. Effective date.

SEC. 11. The Act of September 26, 1969 (Public Law 91–73; 83 Stat. 116), relating to age limits in connection with appointments to the United States Park Police, is repealed effective at the end of the eighty-ninth day after the date of enactment of this Act. Repeal. 5 USC 3307 note. Effective date.

Approved May 16, 1972.

Public Law 92-298

May 17, 1972
[H. R. 13753]

AN ACT

To provide equitable wage adjustments for certain prevailing rate employees of the Government.

Prevailing Rate Equalization Adjustment Act of 1972.

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 "Prevailing Rate Equalization Adjustment Act of 1972".

SEC. 2. (a) Notwithstanding any other provision of law or any provision of an Executive order or regulation, a wage schedule adjustment for employees of the Government of the United States whose pay is fixed and adjusted from time to time in accordance with prevailing rates—

(1) if based on a wage survey ordered to be made on or after August 15, 1971, but not placed into effect before November 14, 1971, by reason of the provisions of Executive Order 11615 or Executive Order 11627; or

12 USC 1904 note.
3 CFR 1971 Comp., pp. 199, 218.

(2) if based on a wage survey which had been scheduled to be made during the period beginning on September 1, 1971, and ending on January 12, 1972, and which was ordered to be made on or after January 13, 1972;

shall be effective on the date on which such wage schedule adjustment would have been effective under section 5343 of title 5, United States Code, had the fiscal year 1972 schedule for wage surveys for such employees been followed.

80 Stat. 471.

Retroactive pay.

(b) Retroactive pay made under the provisions of this section will be made in accordance with section 5344 of title 5, United States Code.

Congress, pay adjustments.
2 USC 60a note.

SEC. 3. (a) The last sentence of section 4(a) of the Act of January 8, 1971 (84 Stat. 1952; Public Law 91-656), is amended to read as follows: "Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the month in which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.".

84 Stat. 1946.
5 USC 5305 note.

(b) Paragraph (1) of section 5(a) of the Act of January 8, 1971 (84 Stat. 1952; Public Law 91-656), is amended to read as follows:

"(1) effective on the first day of the month in which such pay adjustment by the President is made effective as described above, shall adjust—".

Approved May 17, 1972.

Public Law 92-299

May 18, 1972
[S. J. Res. 234]

JOINT RESOLUTION

Deploring the attempted assassination of Governor George C. Wallace of Alabama.

Whereas Governor George C. Wallace of Alabama was shot and critically wounded on May 15, 1972, by a would-be assassin; and

Whereas this act of violence is deplored and universally condemned by all Americans; and

Whereas the people of the Nation are shocked that this tragedy could occur and that our democratic processes are fraught with such danger to those who actively participate therein; and

Whereas all Americans are saddened at this tragedy and sympathize deeply with Governor Wallace and his family and pray for his recovery: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the attempted assassination of Governor Wallace is deeply deplored and condemned; and

Gov. George C. Wallace of Ala.

That Governor Wallace has the best wishes and prayers of all citizens for his speedy recovery; and

That the Wallace family is extended the sympathy and encouragement and best wishes of all members of Congress, the distinguished Vice President and the President of the United States.

Approved May 18, 1972.

Public Law 92-300

AN ACT

To authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes.

May 18, 1972
[S. 1379]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretary through the Forest Service. In carrying out this section, the Secretary shall consider referrals of prospective volunteers made by ACTION.

Volunteers in the National Forests Act of 1972.

SEC. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

Incidental expenses.

SEC. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

Non-Federal employee.

(b) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

Federal employee.
28 USC 2671 *et seq.*

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

"Employee."
5 USC 8101.

80 Stat. 532.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $100,000 shall be appropriated in any one year.

Appropriation.

SEC. 5. This Act may be cited as the "Volunteers in the National Forests Act of 1972".

Short title.

Approved May 18, 1972.

Public Law 92-301

May 18, 1972
[H. J. Res. 1174]

JOINT RESOLUTION

Making an appropriation for special payments to international financial institutions for the fiscal year 1972, and for other purposes.

International financial institutions.
Appropriation.

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, 1972, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

SPECIAL PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS

For payments by the Secretary of the Treasury to maintain the value in terms of gold of the holdings of United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank, to the extent provided in the articles of agreement of such institutions, as authorized by section 3 of the Par Value Modification Act (Public Law 92–268), such amounts as may be necessary (but not to exceed $1,600,000,000), to remain available until expended.

Ante, p. 117.

Approved May 18, 1972.

Public Law 92-302

May 18, 1972
[H. R. 13334]

AN ACT

To establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes.

Treasury Department.
Positions, establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) so much of the Act of February 17, 1922, as amended, as relates to the Under Secretary, and the Under Secretary for Monetary Affairs, in the Department of the Treasury (31 U.S.C. secs. 1004 and 1005), is amended to read as follows:

68 Stat. 496; 42 Stat. 366.

Deputy and Under Secretaries.

"There shall be in the Department of the Treasury a Deputy Secretary, an Under Secretary, and an Under Secretary for Monetary Affairs, each to be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties in the Office of the Secretary as may be prescribed by the Secretary of the Treasury. The President may, in appointing the Under Secretary, designate him as 'Counselor'.

"Counselor."

"The Deputy Secretary of the Treasury, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease."

Deputy Under Secretaries.

(b) There shall be in the Department of the Treasury two Deputy Under Secretaries who shall be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties in the Office of the Secretary as may be prescribed by the Secretary of the Treasury. The President may, in appointing any Deputy Under Secretary, designate him as "Assistant Secretary of the Treasury". Any person designated as Assistant Secretary of the Treasury under the preceding sentence shall not be taken into account in applying section 234 of the Revised Statutes, as amended (31 U.S.C. sec. 1006).

"Assistant Secretary of the Treasury."

(c) Section 234 of the Revised Statutes, as amended (31 U.S.C. sec. 1006), is amended by striking out "four" and inserting in lieu thereof "five".

(d) Section 3 of Reorganization Plan Numbered 26 of 1950 (64 Stat. 1280) is hereby repealed.

Repeal.
5 USC app.

SEC. 2. (a) Section 5313 of title 5 of the United States Code is amended by inserting as paragraph (6) the following:

80 Stat. 460; 81 Stat. 198.

"(6) Deputy Secretary of the Treasury."

(b) Paragraph (10) of section 5314 of such title 5 is amended to read as follows:

84 Stat. 1888.

"(10) Under Secretary of the Treasury (or Counselor)."

(c) Section 5315 of such title 5 is amended as follows:

80 Stat. 461; *Ante*, p. 69.

(1) By striking "(4)" at the end of paragraph (23) and inserting in lieu thereof "(5)".

(2) By adding at the end thereof the following new paragraph:

"(96) Deputy Under Secretaries of the Treasury (or Assistant Secretaries of the Treasury) (2)."

(d) Section 5316 of such title 5 is amended by striking out paragraphs (28) and (64).

SEC. 3. (a) Except as otherwise provided in this section, this Act shall take effect on its date of enactment.

Effective date.

(b) Any officer holding an office when this Act takes effect shall not be required to be reappointed to such office by reason of the enactment of this Act. Subsection (d) of the first section of this Act and subsection (d) of section 2 of this Act shall take effect upon confirmation by the Senate of Presidential appointees to fill the successor positions created by this Act.

Savings provision.

(c) Until January 21, 1973, no person within the Treasury Department who has been occupying a position under the Executive Schedule and who is hereafter appointed to a position created or authorized by this Act shall receive an increase in basic pay by virtue of such appointment.

Pay increase, effective date.

Approved May 18, 1972.

Public Law 92-303

May 19, 1972
[H. R. 9212]

AN ACT

To amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

Black Lung Benefits Act of 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Black Lung Benefits Act of 1972".

83 Stat. 794.
30 USC 922.

(b) (1) Section 412(a) of the Federal Coal Mine Health and Safety Act of 1969 is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

Orphans, benefits.

"(3) In the case of the child or children of a miner whose death is due to pneumoconiosis or of a miner who is receiving benefits under this part at the time of his death, or who was totally disabled by pneumoconiosis at the time of his death, and in the case of the child or children of a widow who is receiving benefits under this part at the time of her death, benefits shall be paid to such child or children as follows: If there is one such child, he shall be paid benefits at the rate specified in paragraph (1). If there is more than one such child, the benefits paid shall be divided equally among them and shall be paid at a rate equal to the rate specified in paragraph (1), increased by 50 per centum of such rate if there are two such children, by 75 per centum of such rate if there are three such children, and by 100 per centum of such rate if there are more than three such children: *Provided*, That benefits shall only be paid to a child for so long as he meets the criteria for the term 'child' contained in section 402(g): *And provided further*, That no entitlement to benefits as a child shall be established under this paragraph (3) for any month for which entitlement to benefits as a widow is established under paragraph (2)."

Post, p. 152.

(2) Section 412(a) of such Act is further amended by adding at the end thereof the following new paragraphs:

Dependent parents, brothers or sisters.

"(5) In the case of the dependent parent or parents of a miner whose death is due to pneumoconiosis, or of a miner who is receiving benefits under this part at the time of his death, or of a miner who was totally disabled by pneumoconiosis at the time of death, and who is not survived at the time of his death by a widow or a child, or in the case of the dependent surviving brother(s) or sister(s) of such a miner who is not survived at the time of his death by a widow, child, or parent, benefits shall be paid under this part to such parent(s), or to such brother(s), or sister(s), at the rate specified in paragraph (3) (as if such parent(s) or such brother(s) or sister(s), were the children of such miner). In determining for purposes of this paragraph whether a claimant bears the relationship as the miner's parent, brother, or sister, the Secretary shall apply legal standards consistent with those applicable to relationship determination under title II of the Social Security Act. No benefits to a sister or brother shall be payable under this paragraph for any month beginning with the month in which he or she receives support from his or her spouse, or marries. Benefits shall be payable under this paragraph to a brother only if he is—

42 USC 401.

"(1) (A) under eighteen years of age, or

"(B) under a disability as defined in section 223(d) of the Social Security Act which began before the age specified in section 202(d) (1) (B) (ii) of such Act, or in the case of a student, before he ceased to be a student, or

81 Stat. 868.
42 USC 423.
79 Stat. 370.
42 USC 402.

"(C) a student as defined in section 402(g); or

Post, p. 152.

"(2) who is, at the time of the miner's death, disabled as determined in accordance with section 223(d) of the Social Security Act, during such disability. Any benefit under this paragraph for a month prior to the month in which a claim for such benefit is filed shall be reduced to any extent that may be necessary, so that it will not render erroneous any benefit which, before the filing of such claim, the Secretary has certified for payment for such prior months. As used in this paragraph, 'dependent' means that during the one year period prior to and ending with such miner's death, such parent, brother, or sister was living in the miner's household, and was, during such period, totally dependent on the miner for support. Proof of such support shall be filed by such claimant within two years after the month in which this amendment is enacted, or within two years after the miner's death, whichever is the later. Any such proof which is filed after the expiration of such period shall be deemed to have been filed within such period if it is shown to the satisfaction of the Secretary that there was good cause for failure to file such proof within such period. The determination of what constitutes 'living in the miner's household', 'totally dependent upon the miner for support,' and 'good cause,' shall for purposes of this paragraph be made in accordance with regulations of the Secretary. Benefit payments under this paragraph to a parent, brother, or sister, shall be reduced by the amount by which such payments would be reduced on account of excess earnings of such parent, brother, or sister, respectively, under section 203(b)–(l) of the Social Security Act, as if the benefit under this paragraph were a benefit under section 202 of such Act.

81 Stat. 868.
42 USC 423.

"Dependent."

Proof of support, filing date.

42 USC 403.
42 USC 402.

"(6) If an individual's benefits would be increased under paragraph (4) of this subsection because he or she has one or more dependents, and it appears to the Secretary that it would be in the interest of any such dependent to have the amount of such increase in benefits (to the extent attributable to such dependent) certified to a person other than such individual, then the Secretary may, under regulations prescribed by him, certify the amount of such increase in benefits (to the extent so attributable) not to such individual but directly to such dependent or to another person for the use and benefit of such dependent; and any payment made under this clause, if otherwise valid under this title, shall be a complete settlement and satisfaction of all claims, rights, and interests in and to such payment."

Augmented benefits, certification.

Ante, p. 150.

(c)(1) Sections 412(b), 414(e), and 424 of such Act are amended by inserting after "widow" each time it appears the following: ", child, parent, brother, or sister", and section 421(a) is amended by inserting after "widows" the following: ", children, parents, brothers, or sisters, as the case may be,".

83 Stat. 794, 795, 798.
30 USC 922, 924, 934.
30 USC 931.

(2) Section 402(a) of such Act is amended to read:

30 USC 902.

"(a) The term 'dependent' means—

"Dependent."

"(1) a child as defined in subsection (g) without regard to subparagraph (2)(B)(ii) thereof; or

Post, p. 152.

"(2) a wife who is a member of the same household as the miner, or is receiving regular contributions from the miner for her support, or whose husband is a miner who has been ordered by a court to contribute to her support, or who meets the requirements of section 216(b) (1) or (2) of the Social Security Act. The determination of an individual's status as the 'wife' of a miner shall be made in accordance with section 216(h)(1) of the Social Security Act as if such miner were the 'insured individual'

64 Stat. 510; 74 Stat. 950.
42 USC 416.

71 Stat. 519.

79 Stat. 377.
42 USC 416.

referred to therein. The term 'wife' also includes a 'divorced wife' as defined in section 216(d)(1) of the Social Security Act who is receiving at least one-half of her support, as determined in accordance with regulations prescribed by the Secretary, from the miner, or is receiving substantial contributions from the miner (pursuant to a written agreement), or there is in effect a court order for substantial contributions to her support from such miner.".

"Widow."
83 Stat. 792.
30 USC 902.

(3) Section 402(e) of such Act is amended to read:

"(e) The term 'widow' includes the wife living with or dependent for support on the miner at the time of his death, or living apart for reasonable cause or because of his desertion, or who meets the requirements of section 216(c) (1), (2), (3), (4), or (5), and section 216(k) of the Social Security Act, who is not married. The determination of an individual's status as the 'widow' of a miner shall be made in accordance with section 216(h)(1) of the Social Security Act as if such miner were the 'insured individual' referred to therein. Such term also includes a 'surviving divorced wife' as defined in section 216(d)(2) of the Social Security Act who for the month preceding the month in which the miner died, was receiving at least one-half of her support, as determined in accordance with regulations prescribed by the Secretary, from the miner, or was receiving substantial contributions from the miner (pursuant to a written agreement) or there was in effect a court order for substantial contributions to her support from the miner at the time of his death."

72 Stat. 1027.
81 Stat. 866.
71 Stat. 519;
74 Stat. 951.

(4) Section 402 of such Act is amended by adding at the end thereof the following new subsection:

"Child."

"(g) The term 'child' means a child or a step-child who is—

"(1) unmarried; and

"(2)(A) under eighteen years of age, or

"(B)(i) under a disability as defined in section 223(d) of the Social Security Act,

42 USC 423.

"(ii) which began before the age specified in section 202(d)(1)(B)(ii) of the Social Security Act, or, in the case of a student, before he ceased to be a student; or

42 USC 402.

"(C) a student.

"Student."

The term 'student' means a 'full-time student' as defined in section 202(d)(7) of the Social Security Act, or a 'student' as defined in section 8101(17) of title 5, United States Code. The determination of an individual's status as the 'child' of the miner or widow, as the case may be, shall be made in accordance with section 216(h)(2) or (3) of the Social Security Act as if such miner or widow were the 'insured individual' referred to therein."

79 Stat. 371;
81 Stat. 860.
81 Stat. 209.
79 Stat. 409.

Post, p. 154.

(5)(A) Section 413(b) of such Act is amended by adding at the end thereof the following new sentence: "The provisions of sections 204, 205 (a), (b), (d), (e), (f), (g), (h), (j), (k), and (l), 206, 207, and 208 of the Social Security Act shall be applicable under this part with respect to a miner, widow, child, parent, brother, sister, or dependent, as if benefits under this part were benefits under title II of such Act."

42 USC 404-408.
42 USC 401.

Effective date.

(B) Only section 205, (b), (g), and (h) of those sections of the Social Security Act recited in subparagraph (A) of this paragraph shall be effective as of the date provided in subsection (d) of this section.

Claims, filing.
83 Stat. 795.
30 USC 924.

(6) Section 414(a) of such Act is amended by inserting "(1)" after "(a)" and by adding the following new paragraphs at the end thereof:

"(2) In the case of a claim by a child this paragraph shall apply, notwithstanding any other provision of this part.

Retroactive entitlement.

"(A) If such claim is filed within six months following the month in which this paragraph is enacted, and if entitlement to benefits is

established pursuant to such claim, such entitlement shall be effective retroactively from December 30, 1969, or from the date such child would have been first eligible for such benefit payments had section 412(a)(3) been applicable since December 30, 1969, whichever is the lesser period. If on the date such claim is filed the claimant is not eligible for benefit payments, but was eligible at any period of time during the period from December 30, 1969, to the date such claim is filed, entitlement shall be effective for the duration of eligibility during such period.

Ante, p. 150.

"(B) If such claim is filed after six months following the month in which this paragraph is enacted, and if entitlement to benefits is established pursuant to such claim, such entitlement shall be effective retroactively from a date twelve months preceding the date such claim is filed, or from the date such child would have been first eligible for such benefit payments had section 412(a)(3) been applicable since December 30, 1969, whichever is the lesser period. If on the date such claim is filed the claimant is not eligible for benefit payments, but was eligible at any period of time during the period from a date twelve months preceding the date such claim is filed, to the date such claim is filed, entitlement shall be effective for the duration of eligibility during such period.

"(C) No claim for benefits under this part, in the case of a claimant who is a child, shall be considered unless it is filed within six months after the death of his father or mother (whichever last occurred) or by December 31, 1973, whichever is the later.

"(D) Any benefit under subparagraph (A) or (B) for a month prior to the month in which a claim is filed shall be reduced, to any extent that may be necessary, so that it will not render erroneous any benefit which, before the filing of such claim, the Secretary has certified for payment for such prior month.

"(3) No claim for benefits under this part, in the case of a claimant who is a parent, brother, or sister shall be considered unless it is filed within six months after the death of the miner or by December 31, 1973, whichever is the later."

Benefit payment offset, limitation.

SEC. 2. (a) Section 412(b) of the Federal Coal Mine Health and Safety Act of 1969 is amended by adding at the end thereof the following: "This part shall not be considered a workmen's compensation law or plan for purposes of section 224 of such Act."

83 Stat. 794.
30 USC 922.
42 USC 424a.

(b) The amendment made by this section shall be effective as of December 30, 1969.

Effective date.

SEC. 3. (a) Sections 401, 411(c)(1), 411(c)(2), and 422(h) of the Federal Coal Mine Health and Safety Act of 1969 are each amended by striking out "underground".

30 USC 901, 921, 932.

(b) Sections 402(b), 402(d), 422(a), and 423(a) of such Act are each amended by striking out "an underground" and inserting "a" in lieu thereof.

30 USC 902, 933.

(c) The amendments made by this section shall be effective as of December 30, 1969.

Effective date.

SEC. 4. (a) Section 402(f) of the Federal Coal Mine Health and Safety Act of 1969 is amended to read as follows:

30 USC 902.

"(f) The term 'total disability' has the meaning given it by regulations of the Secretary of Health, Education, and Welfare, except that such regulations shall provide that a miner shall be considered totally disabled when pneumoconiosis prevents him from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he previously engaged with some regularity and over a substantial period of time. Such regulations shall not provide more restrictive criteria than those applicable under section 223(d) of the Social Security Act."

"Total disability."

81 Stat. 868.
42 USC 423.

83 Stat. 793.
30 USC 921.

(b) (1) Section 411(a) of such Act is further amended by adding at the end thereof the following: "or who at the time of his death was totally disabled by pneumoconiosis."

30 USC 901.

(2) Section 401 is amended by inserting after the word "disease" each place it appears the following: "or who were totally disabled by this disease at the time of their deaths".

(3) Section 411(c)(3) is amended by inserting after "pneumoconiosis," the following: "or that at the time of his death he was totally disabled by pneumoconiosis."

Rebuttable presumption.

(c) Section 411(c) of such Act is amended by striking the word "and" at the end of paragraph (2), by striking the period at the end of paragraph (3), inserting "; and", and by adding at the end thereof the following new paragraph:

"(4) if a miner was employed for fifteen years or more in one or more underground coal mines, and if there is a chest roentgenogram submitted in connection with such miner's, his widow's, his child's, his parent's, his brother's, his sister's, or his dependent's claim under this title and it is interpreted as negative with respect to the requirements of paragraph (3) of this subsection, and if other evidence demonstrates the existence of a totally disabling respiratory or pulmonary impairment, then there shall be a rebuttable presumption that such miner is totally disabled due to pneumoconiosis, that his death was due to pneumoconiosis, or that at the time of his death he was totally disabled by pneumoconiosis. In the case of a living miner, a wife's affidavit may not be used by itself to establish the presumption. The Secretary shall not apply all or a portion of the requirement of this paragraph that the miner work in an underground mine where he determines that conditions of a miner's employment in a coal mine other than an underground mine were substantially similar to conditions in an underground mine. The Secretary may rebut such presumption only by establishing that (A) such miner does not, or did not, have pneumoconiosis, or that (B) his respiratory or pulmonary impairment did not arise out of, or in connection with, employment in a coal mine."

Publication in Federal Register.

(d) Section 411(b) is amended by inserting immediately after the penultimate sentence thereof the following new sentence: "Final regulations required for implementation of any amendments to this title shall be promulgated and published in the Federal Register at the earliest practicable date after the date of enactment of such amendments, and in no event later than the end of the fourth month following the month in which such amendments are enacted."

30 USC 931.
30 USC 902.

(e) Section 421(b)(2)(C) of such Act is amended by striking the word "those" and inserting in lieu thereof "section 402(f) of this title and to those standards", and by substituting for the words "by section 411" the words "under part B of this title".

Claims, validity determination.
83 Stat. 794.
30 USC 923.

(f) The first sentence of section 413(b) of such Act is amended by inserting before the period at the end thereof the following: ", but no claim for benefits under this part shall be denied solely on the basis of the results of a chest roentgenogram. In determining the validity of claims under this part, all relevant evidence shall be considered, including, where relevant, medical tests such as blood gas studies, X-ray examination, electrocardiogram, pulmonary function studies, or physical performance tests, and any medical history, evidence submitted by the claimant's physician, or his wife's affidavits, and in the case of a deceased miner, other appropriate affidavits of persons with knowledge of the miner's physical condition, and other supportive materials."

Effective date.

(g) The amendments made by this section shall be effective as of December 30, 1969.

Time extensions.

SEC. 5. Title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended—

83 Stat. 792.
30 USC 901.

(1) by striking out "December 31, 1971" where it appears in section 414(b), and inserting in lieu thereof "June 30, 1973",

30 USC 924.

(2) by striking out "1972" each place it appears and inserting in lieu thereof "1973", other than in section 421(b)(1),

30 USC 931.

(3) by striking out "1973" each time it appears and inserting in lieu thereof "1974",

(4) by striking out "seven" where it appears in section 422(e) and inserting in lieu thereof "twelve",

30 USC 932.

(5) by adding a new subsection (c) to section 421 thereof as follows:

"(c) Final regulations required for implementation of any amendments to this part shall be promulgated and published in the Federal Register at the earliest practicable date after the date of enactment of such amendments, and in no event later than the end of the sixth month following the month in which such amendments are enacted.",

Publication in Federal Register.

(6) by inserting immediately after section 426 thereof, the following new section:

30 USC 936.

"SEC. 427. (a) The Secretary of Health, Education, and Welfare is authorized to enter into contracts with, and make grants to, public and private agencies and organizations and individuals for the construction, purchase, and operation of fixed-site and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in active and inactive coal miners. The Secretary shall coordinate the making of such contracts and grants with the Appalachian Regional Commission.

Contract authority.

"(b) The Secretary of Health, Education, and Welfare shall initiate research within the National Institute for Occupational Safety and Health, and is authorized to make research grants to public and private agencies and organizations and individuals for the purpose of devising simple and effective tests to measure, detect, and treat respiratory and pulmonary impairments in active and inactive coal miners. Any grant made pursuant to this subsection shall be conditioned upon all information, uses, products, processes, patents, and other developments resulting from such research being available to the general public, except to the extent of such exceptions and limitations as the Secretary of Health, Education, and Welfare may deem necessary in the public interest.

Research grants.

"(c) There is hereby authorized to be appropriated for the purpose of subsection (a) of this section $10,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975. There are hereby authorized to be appropriated for the purposes of subsection (b) of this section such sums as are necessary.",

Appropriation.

(7) by adding at the end thereof the following new section:

"SEC. 428. (a) No operator shall discharge or in any other way discriminate against any miner employed by him by reason of the fact that such miner is suffering from pneumoconiosis. No person shall cause or attempt to cause an operator to violate this section. For the purposes of this subsection the term 'miner' shall not include any person who has been found to be totally disabled.

Discrimination prohibition.

"Miner."

"(b) Any miner who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section, or any representative of such miner may, within ninety days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable

the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Each hearing examiner presiding under this section and under the provisions of titles I, II and III of this Act shall receive compensation at a rate not less than that prescribed for GS–16 under section 5332 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein.

80 Stat. 384.
30 USC 811, 841, 861.
5 USC 5332 note.

Penalty.

"(c) Whenever an order is issued under this subsection granting relief to a miner at the request of such miner, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by such miner for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing the violation.",

(8) by adding at the end thereof the following new section:

Appropriation.

"SEC. 429. There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out his responsibilities under this title. Such sums shall remain available until expended.",

83 Stat. 796.
30 USC 932.

(9) by striking "7" in section 422(a), and

(10) by adding at the end thereof the following new section:

Applicability.
30 USC 921.
30 USC 931.

"SEC. 430. The amendments made by the Black Lung Benefits Act of 1972 to part B of this title shall, to the extent appropriate, also apply to part C of this title: *Provided*, That for the purpose of determining the applicability of the presumption established by section 411(c)(4) to claims filed under part C of this title, no period of employment after June 30, 1971, shall be considered in determining whether a miner was employed at least fifteen years in one or more underground mines."

Ante, p. 154.

Claimants, notification.

SEC. 6. Title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended by adding at the end thereof the following new section:

Ante, p. 155.

"SEC. 431. The Secretary of Health, Education, and Welfare shall, upon enactment of the Black Lung Benefits Act of 1972, generally disseminate to all persons who filed claims under this title prior to the date of enactment of such Act the changes in the law created by such Act, and forthwith advise all persons whose claims have been denied for any reason or whose claims are pending, that their claims will be reviewed with respect to the provisions of the Black Lung Benefits Act of 1972."

Transition period, administration.

SEC. 7. Title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended by adding at the end of part B thereof the following new section:

"SEC. 415. (a) Notwithstanding any other provision in this title, for the purpose of assuring the uninterrupted receipt of benefits by claimants at such time as responsibility for administration of the benefits program is assumed by either a State workmen's compensation agency or the Secretary of Labor, any claim for benefits under this part filed

during the period from July 1, 1973 to December 31, 1973, shall be considered and determined in accordance with the procedures of this section. With respect to any such claim—

"(1) Such claim shall be determined and, where appropriate under this part or section 424 of this title, benefits shall be paid with respect to such claim by the Secretary of Labor. 83 Stat. 798. 30 USC 934.

"(2) The manner and place of filing such claim shall be in accordance with regulations issued jointly by the Secretary of Health, Education, and Welfare and the Secretary of Labor, which regulations shall provide, among other things, that such claims may be filed in district offices of the Social Security Administration and thereafter transferred to the jurisdiction of the Department of Labor for further consideration.

"(3) The Secretary of Labor shall promptly notify any operator who he believes, on the basis of information contained in the claim, or any other information available to him, may be liable to pay benefits to the claimant under part C of this title for any month after December 31, 1973. 30 USC 931.

"(4) In determining such claims, the Secretary of Labor shall, to the extent appropriate, follow the procedures described in sections 19 (b), (c), and (d) of Public Law 803, 69th Congress (44 Stat. 1424, approved March 4, 1927), as amended. 33 USC 919.

"(5) Any operator who has been notified of the pendency of a claim under paragraph 4 of this subsection shall be bound by the determination of the Secretary of Labor on such claim as if the claim had been filed pursuant to part C of this title and section 422 thereof had been applicable to such operator. Nothing in this paragraph shall require any operator to pay any benefits for any month prior to January 1, 1974. 30 USC 932.

"(b) The Secretary of Labor, after consultation with the Secretary of Health, Education, and Welfare, may issue such regulations as are necessary or appropriate to carry out the purpose of this section." Regulations.

SEC. 8. Section 422(f) of title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended by inserting "(1)" after "(f)" and by adding a new paragraph (2) as follows: Claims, filing.

"(2) Any claim for benefits under this section in the case of a living miner filed on the basis of eligibility under section 411(c)(4) of this title, shall be filed within three years from the date of last exposed employment in a coal mine or, in the case of death from a respiratory or pulmonary impairment for which benefits would be payable under section 411(c)(4) of this title, incurred as the result of employment in a coal mine, shall be filed within fifteen years from the date of last exposed employment in a coal mine." *Ante*, p. 154.

Approved May 19, 1972.

Public Law 92-304

AN ACT

May 19, 1972
[H. R. 14070]

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.

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: National Aeronautics and Space Administration Authorization Act, 1973.

Research and development.

(a) For "Research and development," for the following programs:
(1) Apollo, $128,700,000;
(2) Space flight operations, $1,094,200,000;
(3) Advanced missions, $1,500,000;
(4) Physics and astronomy, $156,600,000;
(5) Lunar and planetary exploration, $321,200,000;
(6) Launch vehicle procurement, $191,600,000;
(7) Space applications, $207,200,000;
(8) Aeronautical research and technology, $187,440,000;
(9) Space research and technology, $64,760,000;
(10) Nuclear power and propulsion, $21,100,000;
(11) Tracking and data acquisition, $259,100,000;
(12) Technology utilization, $4,000,000.

Construction of facilities.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Rehabilitation and modification of aeronautical airborne science, and support facilities, Ames Research Center, $1,065,000;

(2) Rehabilitation of Unitary Plan wind tunnel model supports, control systems, and model preparation areas, Ames Research Center, $760,000;

(3) Rehabilitation and modification of utility systems, Goddard Space Flight Center, $590,000;

(4) Rehabilitation and modification of roadway system, Jet Propulsion Laboratory, $610,000;

(5) Modifications of, and additions to, spacecraft assembly facilities, Kennedy Space Center, $8,100,000;

(6) Modification of Titan Centaur facilities, Kennedy Space Center, $2,040,000;

(7) Rehabilitation of full-scale wind tunnel, Langley Research Center, $2,465,000;

(8) Modification of central air supply system, Langley Research Center, $1,175,000;

(9) Environmental modifications for utility operations, Langley Research Center, $650,000;

(10) Modification of high temperature and high pressure turbine and combustor research facility, Lewis Research Center, $9,710,000;

(11) Modification of fire protection system, Manned Spacecraft Center, $585,000;

(12) Warehouse replacement, Wallops Station, $350,000;

(13) Space shuttle facilities, as follows:

(A) Modification of Altitude Test Facilities, Arnold Engineering Development Center, $6,800,000,

(B) Rehabilitation of Propellant and High Pressure Gaseous Systems, Mississippi Test Facility, $1,160,000,

(C) Modification of the Entry Structures Facility, Langley Research Center, $1,635,000,

(D) Addition for Systems Integration and Mockup Laboratory, Manned Spacecraft Center, $2,545,000,

(E) Modification of the Vibration and Acoustic Test Facility, Manned Spacecraft Center, $2,770,000,

(F) Modification of the Structures and Mechanics Laboratory, Marshall Space Flight Center, $4,700,000,

(G) Addition for Electrical Power Laboratory, Marshall Space Flight Center, $320,000,

(H) Modification of Acoustic Model Engine Test Facility, Marshall Space Flight Center, $2,430,000,

(I) Modification of Manufacturing and Final Assembly Facilities, Undesignated Locations, $5,540,000;

(14) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $11,580,000;

(15) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $1,720,000;

(16) Facility planning and design not otherwise provided for, $8,030,000.

Research and program management.

(c) For "Research and program management," $729,450,000, of which not to exceed $572,237,000 to be available for personnel and related costs.

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 Astronautics 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 Congress.

(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 or 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 $10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $25,000 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.

Campuses barring military recruiters, grants prohibition.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Construction cost variations.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (15), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 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 (16) 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 Astronautics 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)

Report to Congress.

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.

Use of funds, restrictions.

SEC. 4. (a) 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 Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount 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,

Notice to Congress.

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.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs.

Research funds, geographical distribution.

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.

Campus disrupters, denial of payment.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties of pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

72 Stat. 426. 42 USC 2451 note.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

72 Stat. 426.
42 USC 2451 note.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

Freedom of speech.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expressions of individual views or opinions.

Short title.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1973".

Approved May 19, 1972.

Public Law 92-305

May 19, 1972
[H. R. 13591]

AN ACT

To amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part D of title IV of the Public Health Service Act is amended by adding after section 433 the following new section:

Research Institute and Advisory Council on Arthritis and Metabolic Diseases.
Redesignation.
64 Stat. 445.
42 USC 289c.

"NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

"SEC. 434. (a) The Research Institute on Arthritis, Rheumatism, and Metabolic Diseases established under section 431(a) is designated the 'National Institute of Arthritis, Metabolism, and Digestive Diseases', and the Advisory Council established under section 432 to advise the Secretary with respect to the activities of the Institute is designated the 'National Arthritis, Metabolism, and Digestive Diseases Advisory Council'. There shall be in the Institute an Associate Director for Digestive Diseases.

42 USC 289a.

42 USC 289b.

Associate Director for Digestive Diseases.
Committee.

"(b) There is established in the National Arthritis, Metabolism, and Digestive Diseases Advisory Council a committee to advise the Director of the Institute respecting the activities of the Institute concerning digestive diseases. The committee shall be composed of those members of the Advisory Council who are outstanding in the diagnosis, prevention, and treatment of digestive diseases. The committee shall review applications made to the Director for grants for research projects relating to the diagnosis, prevention, and treatment of digestive diseases and shall recommend to the Director for approval those applications and contracts which the committee determines will best carry out the purposes of this part.

Membership.

"(c) The Director of the Institute, acting through the Associate Director for Digestive Diseases, shall (1) carry out, at the facilities of the Institute, a program of research in the diagnosis, prevention, and treatment of digestive diseases; and (2) carry out programs of support for research and training in the diagnosis, prevention, and treatment of digestive diseases, including support for training in medical schools, graduate clinical training, epidemiology studies, clinical trials, and interdisciplinary research programs." Digestive diseases, research.

(b) (1) Section 431(a) of the Public Health Service Act is amended by striking out "and metabolic diseases" and inserting in lieu thereof "digestive diseases, and metabolism". 64 Stat. 444. 42 USC 289a.

(2) The heading for part D of title IV of such Act is amended to read as follows:

"PART D—NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES; NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE; AND OTHER INSTITUTES".

Approved May 19, 1972.

Public Law 92-306

AN ACT

May 27, 1972
[H. R. 14582]

Making supplemental appropriations for the fiscal year ending June 30, 1972, 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, to supply supplemental appropriations (this Act may be cited as the "Second Supplemental Appropriations Act, 1972") for the fiscal year ending June 30, 1972, and for other purposes, namely: Second Supplemental Appropriations Act, 1972.

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

For an additional amount for "Dairy and Beekeeper Indemnity Programs", $3,939,000, to remain available until expended: *Provided*, That, in addition, $1,061,000 shall be transferred to this appropriation from the appropriation for "Expenses, Agricultural Stabilization and Conservation Service", fiscal year 1972.

CONSUMER AND MARKETING SERVICE

CONSUMER PROTECTIVE MARKETING AND REGULATORY PROGRAMS

For an additional amount for "Consumer Protective, Marketing, and Regulatory Programs", $665,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

For an amount to be used primarily for the hire of additional food inspectors together with such drug inspectors and related support staff as may be necessary, and for such renovation and equipping of existing research buildings, as may be vacant or underutilized, which may be obtained by lease or other means, including buildings of other departments and agencies, $8,000,000, to be derived from funds heretofore appropriated and not used.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense," $144,312,000.

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", $3,000,000, to be paid to the general fund of the District of Columbia.

DISTRICT OF COLUMBIA FUNDS

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $2,040,000.

PUBLIC SAFETY

For an additional amount for "Public safety", $2,233,000.

HUMAN RESOURCES

For an additional amount for "Human resources", $1,200,000.

HIGHWAYS AND TRAFFIC

For an additional amount for "Highways and traffic", including purchase of twenty-one additional passenger-carrying vehicles, $1,041,000, of which $890,000 shall be payable from the highway fund.

SETTLEMENT OF CLAIMS AND SUITS

For an additional amount for "Settlement of claims and suits", $90,000.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", to remain available until expended, $67,835,000: *Provided*, That $4,380,000 shall be available for construction services by the Director of General Services or by contract for architectural engineering services, as may be determined by the Commissioner.

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

FOREIGN OPERATIONS

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $320,000, of which not to exceed $307,000 shall remain available until December 31, 1972.

CHAPTER V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMPREHENSIVE PLANNING GRANTS

For an additional amount for "Comprehensive planning grants" as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), $40,645,000, to remain available until expended. 82 Stat. 526; 85 Stat. 776.

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL AERONAUTICS AND SPACE COUNCIL

SALARIES AND EXPENSES

In addition to the amount previously made available for travel expenses in the appropriation granted under this head for the fiscal year 1972, $9,000 shall be available in that appropriation for such expenses.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

In addition to the amount heretofore made available for lands and structures, in the appropriation granted under this head for the current fiscal year, $460,000 shall be available in such appropriation for such purposes and shall remain available until June 30, 1973, and not to exceed $850,000 in such appropriation shall remain available until June 30, 1973, for rate studies.

VETERANS ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For an additional amount for "Medical administration and miscellaneous operating expenses", $1,924,000, to be derived by transfer from the appropriation for "Medical care", fiscal year 1972.

CHAPTER VI

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $16,400,000.

CONSTRUCTION AND MAINTENANCE

For an additional amount for "Construction and maintenance", $200,000, to remain available until expended.

BUREAU OF INDIAN AFFAIRS

RESOURCES MANAGEMENT

For an additional amount for "Resources management", $4,308,000.

CONSTRUCTION

For an additional amount for "Construction", $850,000, to remain available until expended: *Provided*, That not to exceed $200,000 and not to exceed $163,000 appropriated under this head in the Department of the Interior and Related Agencies Appropriation Act, 1972, shall be available for assistance to the Rough Rock School Board, Arizona, for planning high school facilities on the Navajo Reservation, and for Dine Bitsiis Baa Aha Gaa, Incorporated, Arizona, for plans and designs for a school for handicapped children, Chinle, Arizona, respectively. 85 Stat. 231.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For an additional amount for "Road construction (liquidation of contract authority)", $8,000,000, to remain available until expended.

CLAIMS AND TREATY OBLIGATIONS

ALASKA NATIVE FUND

For payment to the "Alaska Native Fund", as authorized by the Act of December 18, 1971 (Public Law 92–203), $12,500,000: *Provided*, That there shall be advanced in fiscal year 1972, upon request of the board of directors of any regional corporation established pursuant to section 7 of said Act, $500,000 for any one regional corporation, which the Secretary of the Interior shall determine to be necessary for the organization of such regional corporation and the village corporations within such region, and to identify land for such corporations pursuant to said Act, and to repay loans and other obligations previously incurred for such purposes: *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such regional and village corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of monies from the Alaska Native Fund under section 6 of said Act: *Provided further*, That no part of the money so advanced shall be used for the organization of a village corporation that had less than twenty-five Native residents living within such village according to the 1970 census. 85 Stat. 688. 43 USC 1601 note. 43 USC 1606. 43 USC 1605.

MICRONESIAN CLAIMS FUND

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 I of Public Law 92–39, $5,000,000, to remain available until expended. 85 Stat. 92. 50 USC app. 2019.

BUREAU OF MINES

HELIUM FUND

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act to carry out the provisions of the Act and contractual 74 Stat. 923. 50 USC 167j.

obligations thereunder, including helium purchases, to remain available without fiscal year limitation, $45,300,000, in addition to amounts heretofore authorized to be borrowed (50 U.S.C. 167; 74 Stat. 918).

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $34,120,000, to remain available until expended.

PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For an additional amount for "Parkway and road construction (liquidation of contract authority)", $5,000,000, to remain available until expended.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", for: "Forest land management", $54,666,000, of which $2,500,000 for cooperative law enforcement and $5,000,000 for preventing forest fires shall remain available until expended; "Forest research", $262,000; and "State and private forestry cooperation", $18,000.

CONSTRUCTION AND LAND ACQUISITION

For an additional amount for "Construction and land acquisition", $170,000, to remain available until expended.

SMITHSONIAN INSTITUTION

SCIENCE INFORMATION EXCHANGE

For an additional amount for "Science information exchange", $300,000, to remain available until expended.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

SALARIES AND EXPENSES

For payment of the United States share of the current fiscal year expenses of the Joint Federal-State Land Use Planning Commission for Alaska, as authorized by law (Public Law 92–203), $125,000: *Provided*, That this appropriation shall not be available for more than one-half of the expenses of the Commission.

85 Stat. 688.
43 USC 1601 note.

HISTORICAL AND MEMORIAL COMMISSION

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including grants-in-aid, as authorized by law, $2,400,000, to remain available until expended.

CHAPTER VII

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

MANPOWER TRAINING SERVICES

For an additional amount for "Manpower training services", $156,550,000, to remain available until September 30, 1972: *Provided*, That this appropriation shall not be available for the purposes of sections 106(d) and 309(b) of the Manpower Development and Training Act of 1962, as amended. 82 Stat. 1352, 1354. 42 USC 2573, 2619.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount for "Limitation on grants to States for unemployment insurance and employment services", $20,000,000, to be expended from the Employment Security Administration account in the Unemployment Trust Fund.

EMPLOYMENT STANDARDS ADMINISTRATION

FEDERAL WORKMEN'S COMPENSATION BENEFITS

For an additional amount for "Federal workmen's compensation benefits", $22,000,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

PATIENT CARE AND SPECIAL HEALTH SERVICES

For an additional amount for "Patient care and special health services", $5,610,000.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

For payment of principal and interest on defaulted loans guaranteed under part B of title VI of the Public Health Service Act, $50,000,000, to remain available until expended. 84 Stat. 344. 42 USC 291j-1.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For an additional amount for the "National Cancer Institute", $40,000,000, to remain available through June 30, 1973.

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and Secondary Education", $3,000,000, to carry out section 222(a)(2) of the Economic Opportunity Act of 1964 as amended. 81 Stat. 698. 42 USC 2809.

HIGHER EDUCATION

For an additional amount for "Higher Education," $100,000,000, including $45,000,000 for educational opportunity grants, $25,600,000 for college work-study programs, and $23,600,000 for student loans under the National Defense Education Act: *Provided*, That the funds appropriated herein shall remain available until June 30, 1973.

72 Stat. 1580.
20 USC 401 note.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for "Grants to States for public assistance", including $2,850,000 for transfer to the appropriation for "Salaries and expenses, Social and Rehabilitation Service", $806,291,000.

RELATED AGENCIES

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $573,000, to be derived by transfer from the appropriation to the Department of Labor, the Workplace Standards Administration, for "Salaries and expenses", fiscal year 1972.

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For an additional amount for the "Economic Opportunity Program", $20,000,000, to carry out a program of emergency food and medical services, as authorized by section 222(a)(5) of the Economic Opportunity Act of 1964, as amended: *Provided*, That funds appropriated herein shall remain available until September 30, 1972.

83 Stat. 829.
42 USC 2809.

RAILROAD RETIREMENT BOARD

LIMITATION ON SALARIES AND EXPENSES

For an additional amount for "Limitation on salaries and expenses", $420,000 to be derived from the Railroad Retirement accounts.

CHAPTER VIII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES, OFFICERS AND EMPLOYEES

COMMITTEE ON APPROPRIATIONS

For an additional amount for the "Committee on Appropriations", $221,000.

MEMBERS' CLERK HIRE

For an additional amount for "Members' clerk hire", $1,500,000.

JOINT ITEMS

CONTINGENT EXPENSES OF THE SENATE

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1973

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1973, in accordance with such program as may be adopted by the joint committee authorized by concurrent resolution of the Senate and House of Representatives, $650,000, to remain available through June 30, 1973.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

Capitol Grounds

For an additional amount for "Capitol Grounds" to enable the Architect of the Capitol to convert square 721 North and square 721 South and the roadway between such squares, now a part of the United States Capitol Grounds, for use for temporary parking facilities for the United States Senate, $130,000, to remain available until June 30, 1973.

House Office Buildings

For an additional amount for "House Office Buildings", $330,000, to remain available until June 30, 1973.

CHAPTER IX

PUBLIC WORKS

DEPARTMENT OF THE INTERIOR

SOUTHWESTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $180,000, to be derived by transfer from the appropriation for "Construction," Southwestern Power Administration.

CHAPTER X

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $716,000.

PAYMENT TO FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Foreign Service retirement and disability fund", $1,014,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", $9,308,360.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For an additional amount for "International conferences and contingencies", $52,000; and not to exceed $100,000 (including $3,000 for official entertainment) of the amount appropriated under this head in the Department of State Appropriation Act, 1972, shall remain available until December 31, 1972.

85 Stat. 247.

EDUCATIONAL EXCHANGE

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACTIVITIES

For an additional amount for "Mutual educational and cultural exchange activities", $100,000.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", including not be exceed $250,000 for compensation and expenses of expert witnesses, $2,400,000.

FEDERAL PRISON SYSTEM

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners", $1,545,000.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

MISCELLANEOUS EXPENSES

For an additional amount for "Miscellaneous expenses", including hire of a replacement passenger motor vehicle, $750.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For additional funds to cover salaries and benefits for justices and judges retired or resigned under title 28, United States Code, sections 371, 372, 373; $500,000.

68 Stat. 12; 71 Stat. 586.

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

For additional funds to cover 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), $2,500,000.

84 Stat. 916.

FEES OF JURORS

For additional funds to cover fees, expenses, and costs of jurors and compensation of jury commissioners; $2,200,000.

RELATED AGENCIES

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

The limitation on expenses of travel for fiscal year 1972 is increased by $19,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $500,000 to be transferred from the Disaster Loan Fund.

DISASTER LOAN FUND

For additional capital for the "Disaster loan fund", authorized by the Small Business Act, as amended, $70,000,000, to remain available until expended. 72 Stat. 384. 15 USC 631 note.

UNITED STATES INFORMATION AGENCY

SPECIAL INTERNATIONAL EXHIBITIONS

For an additional amount for "Special international exhibitions", to remain available until expended, $82,000, to be derived by transfer from the appropriation to the United States Information Agency for "Salaries and expenses", fiscal year 1972.

CHAPTER XI

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $540,000.

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 (Public Law 92–75), $3,000,000 to remain available until expended. 85 Stat. 213. 46 USC 1451 note.

FEDERAL AVIATION ADMINISTRATION

FEDERAL PAYMENT TO THE AIRPORT AND AIRWAY TRUST FUND

For an additional amount for "Federal payment to the Airport and Airway trust fund", $66,138,000.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

STATE AND COMMUNITY HIGHWAY SAFETY (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for "State and Community Highway Safety", $20,000,000 to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, as authorized by section 601 of the Rail Passenger Service Act of 1970, as amended, $170,000,000 to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-second Congress.

84 Stat. 1327.
45 USC 501 note.

CHAPTER XII

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL COMMISSION ON PRODUCTIVITY

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Productivity, including 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 hire of passenger motor vehicles, $2,500,000, to remain available until April 30, 1973: *Provided*, That the unexpended balance of the amount appropriated for expenses of said Commission in the appropriation for "Salaries and expenses", Council of Economic Advisers, shall be transferred to this appropriation.

80 Stat. 416.
5 USC 5332 note.

INDEPENDENT AGENCIES

CIVIL SERVICE COMMISSION

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service retirement and disability fund", $109,700,000.

COMMISSION ON GOVERNMENT PROCUREMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,400,000, to remain available until expended.

COMMITTEE FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, established by the Act of June 23, 1971 (Public Law 92–28), including hire of passenger motor vehicles, $83,000.

85 Stat. 77.
41 USC 46.

GENERAL SERVICES ADMINISTRATION

PUBLIC BUILDINGS SERVICE

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For an additional amount for "Construction, public buildings projects", $45,958,000, to remain available until expended: *Provided*, That the foregoing amount shall be available for public buildings projects at locations and at maximum construction improvement costs (excluding funds of sites and expenses), as follows:

Federal office building (superstructure), Chicago, Illinois, in addition to the sums heretofore appropriated, $7,151,000; Courthouse and Federal office building (superstructure), Philadelphia, Pennsylvania, in addition to the sum heretofore appropriated, $14,360,000; Federal Bureau of Investigation building (superstructure), District of Columbia, in addition to the sum heretofore appropriated, $22,842,000; and Federal Bureau of Investigation Academy, Quantico, Virginia, in addition to the sums heretofore appropriated, $1,605,000: *Provided further*, That the appropriations for the Federal office building (superstructure), Chicago, Illinois; the Courthouse and Federal office building (superstructure), Philadelphia, Pennsylvania; and the Federal Bureau of Investigation building (superstructure), Washington, D.C., shall be available only upon the approval of the revised prospectuses by the Committees on Public Works of the Congress: *Provided further*, That the foregoing limits of costs may be exceeded to the extent that savings are effected in other projects, but by not to exceed 10 per centum.

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for "Sites and expenses, public buildings projects", $2,297,000, to remain available until expended.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $399,400.

CHAPTER XIII

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 Senate Document Numbered 71, Ninety-second Congress, $5,508,032, 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 1972, for increased pay costs authorized by or pursuant to law, as follows:

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employees", $1,207,865;
"Office of the Legislative Counsel of the Senate", $6,465;
Contingent expenses of the Senate:
"Senate policy committees", $15,170;
"Inquiries and investigations", $268,950, including $7,345 for the Committee on Appropriations;
"Folding documents", $1,580;
"Miscellaneous items", $1,250;

HOUSE OF REPRESENTATIVES

SALARIES, OFFICERS AND EMPLOYEES

"Office of the Speaker", $7,400;
"Office of the Clerk", $70,000;
"Office of the Doorkeeper", $75,000;
"Office of the Postmaster", $26,500;
Special and minority employees:
"Six minority employees", $3,200;
"House Democratic Steering Committee", $1,600;
"House Republican Conference", $1,600;
"Office of the majority floor leader", $2,500;
"Office of the minority floor leader", $2,000;
"Office of the majority whip", $2,000;
"Office of the minority whip", $2,000;
"Two printing clerks for majority and minority caucus rooms", $650;
"Technical assistant, Office of the Attending Physician", $575;
"Official reporters of debates", $4,500;
"Official reporters to committees", $4,100;
"Committee on Appropriations", $4,000;
"Office of the Legislative Counsel", $16,500;
"Members' Clerk Hire", $2,000,000;
"Special and select committees", $230,000;
"Speaker's automobile", $425;
"Majority leader's automobile", $425;
"Minority leader's automobile", $425;

JOINT ITEMS

"Joint Committee on Reduction of Federal Expenditures", $1,810;

Contingent Expenses of the Senate

"Joint Economic Committee", $16,665;
"Joint Committee on Atomic Energy", $8,745;
"Joint Committee on Printing", $5,565;

Contingent Expenses of the House

"Joint Committee on Internal Revenue Taxation", $23,050;
"Joint Committee on Defense Production", $3,400;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", $10,000;
Capitol buildings and grounds:
"Capitol grounds", $10,000;
"Senate garage", $2,600;
"House office buildings", $60,000;
Library buildings and grounds: "Structural and mechanical care", $9,000;

BOTANIC GARDEN

"Salaries and expenses", $24,700;

LIBRARY OF CONGRESS

"Salaries and expenses", $448,000, of which $79,000 shall be derived by transfer from the appropriation for "Distribution of catalog cards: Salaries and expenses";
Copyright Office: "Salaries and expenses", $32,000, to be derived by transfer from the appropriation for "Distribution of catalog cards: Salaries and expenses";
Congressional Research Service: "Salaries and expenses", $72,000, to be derived by transfer from the appropriation for "Distribution of catalog cards: Salaries and expenses";
"Books for the Blind and Physically Handicapped: Salaries and expenses", $17,000, to be derived by transfer from the appropriation for "Distribution of catalog cards: Salaries and expenses";

GOVERNMENT PRINTING OFFICE

Office of Superintendent of Documents: "Salaries and expenses", $384,000;

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", $2,100,000;

UNITED STATES TAX COURT

"Salaries and expenses", $59,513;

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Care of the building and grounds", $13,000;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

"Salaries of supporting personnel", $1,200,000;
"Administrative Office of the United States Courts", $40,000;
"Expenses of referees", $120,000;

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL OF ECONOMIC ADVISERS

"Salaries and expenses", $12,000;

OFFICE OF CONSUMER AFFAIRS

"Salaries and expenses", $24,000;

OFFICE OF EMERGENCY PREPAREDNESS

"Defense mobilization functions of Federal agencies", $76,000, to be derived by transfer from the appropriation for "Salaries and expenses", fiscal year 1972.

OFFICE OF TELECOMMUNICATIONS POLICY

"Salaries and expenses", $35,000;

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

"Salaries and expenses", $14,000;

FUNDS APPROPRIATED TO THE PRESIDENT

ECONOMIC STABILIZATION ACTIVITIES

"Salaries and expenses", $386,000, to be derived by transfer from balances reserved for savings in such appropriations to the departments and agencies of the executive branch for the current fiscal year as the Director of the Office of Management and Budget may determine.

FOREIGN ASSISTANCE

ECONOMIC ASSISTANCE

"Worldwide, technical assistance", $3,948,000, to be derived by transfer from other appropriations under the heading Economic assistance, fiscal year 1972;

"Alliance for Progress, technical assistance", $649,000, to be derived by transfer from other appropriations under the heading Economic assistance, fiscal year 1972;

"Administrative expenses", $3,500,000, to be derived by transfer from other appropriations under the heading Economic assistance, fiscal year 1972;

"Administrative and other expenses", $216,000, to be derived by transfer from other appropriations under the heading Economic assistance, fiscal year 1972;

MILITARY ASSISTANCE

"Military assistance", $600,000;

SECURITY SUPPORTING ASSISTANCE

"Security supporting assistance", $1,237,000, to be derived by transfer from appropriations under the heading Economic assistance, fiscal year 1972;

OFFICE OF ECONOMIC OPPORTUNITY

"Economic opportunity program", $956,000;

DEPARTMENT OF AGRICULTURE

"Office of the Secretary", $155,000;
"Office of the General Counsel", $35,000;
"Office of Information", $40,000;
"Office of Management Services", $22,000;
"Agricultural Research Service", for "Research", $3,267,000, and for "Plant and animal disease and pest control", $1,816,000;
"Cooperative State Research Service", for necessary expenses of the Cooperative State Research Service, $14,000;
"Extension Service", for "Federal administration and coordination", $97,900, to be derived by transfer from the appropriation for "Payments to States and Puerto Rico", fiscal year 1972;
"National Agricultural Library", $82,000;
"Statistical Reporting Service", $108,000;
"Economic Research Service", $219,000;
"Commodity Exchange Authority", $44,000;
"Packers and Stockyards Administration", $51,000;
"Farmer Cooperative Service", $43,000;

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

"Expenses, Agricultural Stabilization and Conservation Service", $1,014,000, to be derived by transfer from the appropriation for "Cropland adjustment program", fiscal year 1972;

FEDERAL CROP INSURANCE CORPORATION

"Administrative and operating expenses", $136,000, which may be paid from premium income;

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $2,449,000;

CONSUMER AND MARKETING SERVICE

"Consumer protective, marketing, and regulatory programs", $3,480,000, of which $1,686,000 shall be derived by transfer from the appropriation for "Cropland adjustment program", fiscal year 1972;

FOREST SERVICE

"Forest protection and utilization", for: "Forest land management", $3,751,000;
"Construction and land acquisition", $242,000, to remain available until expended;

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

"Salaries and expenses", $142,000;

OFFICE OF BUSINESS ECONOMICS

"Salaries and expenses", $64,000, and in addition $20,000, to be derived by transfer from the appropriation for "Salaries and expenses", United States Travel Service, fiscal year 1972;

BUREAU OF THE CENSUS

"Salaries and expenses", $451,000;

"1972 census of governments", $33,000, to remain available until December 31, 1974;

"1972 economic censuses", $92,000, to remain available until December 31, 1975;

ECONOMIC DEVELOPMENT ADMINISTRATION

"Operations and administration", $115,000;

DOMESTIC BUSINESS ACTIVITIES

"Salaries and expenses", $195,000;

INTERNATIONAL ACTIVITIES

"Export control", $27,000, to be derived by transfer from the appropriation for "Salaries and expenses", Foreign Direct Investment Regulation, fiscal year 1972;

MINORITY BUSINESS ENTERPRISE

"Salaries and expenses", $71,000, of which $58,388 shall be derived by transfer from the appropriation for "Hemisfair, 1968 Exposition, Participation in U.S. Expositions", and $12,612 from the appropriation for "Participation in New York World's Fair";

NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

"Salaries and expenses", $6,059, to be derived by transfer from the appropriation for "Hemisfair, 1968 Exposition, Participation in U.S. Expositions";

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"Salaries and expenses", $2,100,000;

"Research, development and facilities", $482,000, to remain available until expended;

"Administration of Pribilof Islands", $52,000;

PATENT OFFICE

"Salaries and expenses", $1,087,000;

NATIONAL BUREAU OF STANDARDS

"Research and technical services", $1,060,000;

OFFICE OF TELECOMMUNICATIONS

"Research, engineering, analysis, and technical services", $79,000, to remain available until expended;

MARITIME ADMINISTRATION

"Salaries and expenses", $437,000;

"Maritime training", $89,000, of which $88,000 shall be derived by transfer from the appropriation for "Salaries and expenses", International Activities, fiscal year 1972, and $1,000 from the appropriation for "Salaries and expenses", Foreign Direct Investment Regulation, fiscal year 1972;

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

"Military personnel, Army", $696,738,000;
"Military personnel, Navy", $469,940,000;
"Military personnel, Marine Corps", $135,236,000;
"Military personnel, Air Force", $530,389,000;
"Reserve personnel, Army", $17,792,000;
"Reserve personnel, Navy", $19,033,000;
"Reserve personnel, Marine Corps", $2,236,000;
"Reserve personnel, Air Force", $4,468,000;
"National Guard personnel, Army", $49,431,000;
"National Guard personnel, Air Force", $14,263,000;

OPERATION AND MAINTENANCE

"Operation and maintenance, Army", $56,276,000, and in addition, $43,500,000 which shall be derived by transfer from the Defense stock fund;

"Operation and maintenance, Navy", $76,405,000;
"Operation and maintenance, Marine Corps", $2,500,000;
"Operation and maintenance, Air Force", $81,703,000;
"Operation and maintenance, Defense Agencies", $22,500,000;
"Operation and maintenance, Army National Guard", $8,106,000;
"Operation and maintenance, Air National Guard", $7,204,000;

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

"Operation and maintenance, general", to remain available until expended, $4,519,000, to be derived by transfer from the appropriation for "Construction, general", fiscal year 1972;

"General expenses", $723,000, to be derived by transfer from the appropriation for "Construction, general", fiscal year 1972;

RYUKYU ISLANDS, ARMY

"Ryukyu Islands, Army, administration", $18,000;

SOLDIERS' HOME

"Operation and maintenance", $230,000;

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

"Food and drug control", $1,664,000;

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

"Mental health", $812,000;
"Saint Elizabeths Hospital", $1,283,000;
"Health services research and development", $40,000;
"Comprehensive health planning and services", $151,000;
"Maternal and child health", $62,000;
"Regional medical programs", $83,000;
"Disease control", $1,801,000;
"Patient care and special health services", $1,904,000;
"National health statistics", $246,000;
"Office of the Administrator", $322,000;
"Indian health services", $2,306,000;
"Emergency health", $82,000;

NATIONAL INSTITUTES OF HEALTH

"Biologics standards", $89,000, to be derived by transfer from appropriations for "National Institute of General Medical Sciences", fiscal year 1972, $23,000, and "National Institute of Child Health and Human Development", fiscal year 1972, $66,000;

"National Cancer Institute", $1,263,000;

"National Heart and Lung Institute", $520,000;

"National Institute of Arthritis and Metabolic Diseases", $173,000, to be derived by transfer from the appropriation for "National Institute of Child Health and Human Development", fiscal year 1972;

"National Institute of Neurological Diseases and Stroke", $141,000, to be derived by transfer from appropriations for "National Eye Institute", $123,000 and "National Institute of General Medical Sciences", fiscal year 1972, $18,000, fiscal year 1972;

"National Institute of Allergy and Infectious Diseases", $407,000;

"Research resources", $33,000, to be derived by transfer from the appropriation for "National Institute of Child Health and Human Development", fiscal year 1972;

"John E. Fogarty International Center for Advanced Study in the Health Sciences", $19,000, to be derived by transfer from the appropriation for "National Institute of Child Health and Human Development", fiscal year 1972;

"Health manpower", $71,000, to be derived by transfer from the appropriation for "National Institute of Child Health and Human Development", fiscal year 1972;

"National Library of Medicine", $41,000, to be derived by transfer from the appropriation for "National Institute of Child Health and Human Development", fiscal year 1972;

"Office of the Director", $267,000, and in addition $3,000, to be derived by transfer from the appropriation for "National Institute of Child Health and Human Development", fiscal year 1972;

OFFICE OF EDUCATION

"Elementary and secondary education", $26,000;
"School assistance in federally affected areas", $14,000;
"Higher education", $139,000;
"Research and development", $19,000;
"Salaries and expenses", $1,018,000;
"Civil rights education", $133,000;

SOCIAL AND REHABILITATION SERVICE

"Work incentives", $62,000;
"Salaries and expenses", $1,042,000;

SOCIAL SECURITY ADMINISTRATION

"Limitation on salaries and expenses" (increase of $15,527,000 in the limitation on salaries and expenses paid from trust funds);

SPECIAL INSTITUTIONS

"Model Secondary School for the Deaf", $9,000;
"Gallaudet College", $85,000;
"Howard University", $855,000;

DEPARTMENTAL MANAGEMENT

"Departmental management", $1,555,000;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PRODUCTION AND MORTGAGE CREDIT

"Limitation on administrative expenses, Federal Housing Administration" (increase of $285,000 in the limitation on administrative expenses);
"Limitation on nonadministrative expenses, Federal Housing Administration" (increase of $3,338,000 in the limitation on nonadministrative expenses);

HOUSING MANAGEMENT

"Salaries and expenses, Housing Management Programs", $378,000, to be derived by transfer from the appropriation for "Housing payments", fiscal year 1972;

COMMUNITY PLANNING AND MANAGEMENT

"Salaries and expenses, Community Planning and Management Programs", $216,000, to be derived by transfer from the appropriation for "Housing payments", fiscal year 1972;

COMMUNITY DEVELOPMENT

"Salaries and expenses, Community Development Programs", $524,000, to be derived by transfer from the appropriation for "Housing payments", fiscal year 1972;

FAIR HOUSING AND EQUAL OPPORTUNITY

"Fair housing and equal opportunity", $161,000, to be derived by transfer from the appropriation for "Housing payments", fiscal year 1972;

RESEARCH AND TECHNOLOGY

"Research and technology", $90,000, to be derived by transfer from the appropriation for "Housing payments", fiscal year 1972 (and an increase of $90,000 in the limitation on administrative expenses);

DEPARTMENTAL MANAGEMENT

"General departmental management", $117,000, to be derived by transfer from the appropriation for "Housing payments", fiscal year 1972;

"Salaries and expenses, Office of General Counsel", $75,000, to be derived by transfer from the appropriation for "Housing payments", fiscal year 1972;

"Administration and staff services", $316,000, to be derived by transfer from the appropriation for "Housing payments", fiscal year 1972:

"Regional management and services", $218,000, to be derived by transfer from the appropriation for "Housing payments", fiscal year 1972;

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $1,134,000;

BUREAU OF INDIAN AFFAIRS

"General administrative expenses", $104,000;

BUREAU OF MINES

"Conservation and development of mineral resources", $858,000:

"Health and safety", $971,000;

"General administrative expenses", $43,000;

BUREAU OF SPORT FISHERIES AND WILDLIFE

"Management and investigations of resources", $1,699,000;

"General administrative expenses", $85,000;

NATIONAL PARK SERVICE

"Management and protection", $861,000;

"Maintenance and rehabilitation of physical facilities", $1,100,000;

"General administrative expenses", $96,000;

"Preservation of historic properties", $44,000, to remain available until expended;

BUREAU OF RECLAMATION

"Operation and maintenance", $490,000, to be derived by transfer from the appropriation for "Construction and Rehabilitation", fiscal year 1972;

"General Administrative Expenses", $365,000, to be derived by transfer from the appropriation for "Construction and Rehabilitation", fiscal year 1972.

OFFICE OF THE SOLICITOR

"Salaries and expenses", $167,000;

OFFICE OF THE SECRETARY

"Salaries and expenses", $220,000;

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

"Salaries and expenses, general administration", $259,000;
"Salaries and expenses, general legal activities", $919,000;
"Salaries and expenses, Antitrust Division", $280,000;
"Salaries and expenses, U.S. attorneys and marshals", $1,768,000;
"Salaries and expenses, Community Relations Service", $27,000;

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $1,630,000;

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $366,000;

BUREAU OF PRISONS

"Salaries and expenses", $1,363,000;

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

"Salaries and expenses", $723,000;

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", $3,902,000;

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

"Missions to international organizations", $50,000;

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and Mexico:
"Salaries and expenses", $26,000;
"Operation and maintenance", $28,000;
"American sections, international commissions"; $13,000;
"International fisheries commissions", $14,000;

EDUCATIONAL EXCHANGE

"Mutual educational and cultural exchange activities", $216,000;

OTHER

"Migration and refugee assistance", $21,000;

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

"Salaries and expenses", $417,000, to be derived by transfer from the amount available for administrative expenses in the appropriation for "Highway beautification", fiscal year 1972;

COAST GUARD

"Operating expenses", $27,838,000;

"Reserve training", $1,534,000, and in addition $571,000, to be derived by transfer from the appropriation for "Retired pay", fiscal year 1972;

FEDERAL AVIATION ADMINISTRATION

"Operations (airport and airway trust fund)", $9,000,000, to be derived by transfer from the appropriation for "Safety regulation";

FEDERAL HIGHWAY ADMINISTRATION

"Salaries and expenses", $1,184,000, of which $1,177,000 shall be transferred from the appropriation for "Federal-aid highways (trust fund)"; and $7,000 shall be transferred from the appropriation for "Highway related safety grants (liquidation of contract authorization)";

FEDERAL RAILROAD ADMINISTRATION

"Office of the administrator, salaries and expenses", $35,000, to be derived by transfer from the amount available for administrative expenses in the appropriation for "Highway beautification", fiscal year 1972;

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

(Increase of $13,000 in the "Limitation on administrative expenses");

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

"Salaries and expenses", $272,000, to be derived by transfer from the appropriation for "Administering the public debt", fiscal year 1972;

BUREAU OF CUSTOMS

"Salaries and expenses", $4,340,000, to be derived by transfer from the appropriation for "Administering the public debt", fiscal year 1972;

INTERNAL REVENUE SERVICE

"Salaries and expenses", $152,000, and additional amounts of $120,000 to be derived by transfer from the appropriation for "Administering the public debt", fiscal year 1972; $431,000 to be derived by transfer from the appropriation for "Salaries and expenses", Bureau of the Mint, fiscal year 1972; and $13,000 to be derived by transfer from the appropriation for "Salaries and expenses", Federal Law Enforcement Training Center, fiscal year 1972;

"Revenue accounting and processing", $10,866,000;

"Compliance", $14,447,000;

OFFICE OF THE TREASURER

"Salaries and expenses", $230,000, to be derived by transfer from the appropriation for "Administering the public debt", fiscal year 1972;

ATOMIC ENERGY COMMISSION

"Operating expenses", $2,844,000, to remain available until expended, to be derived by transfer from the appropriation for "Plant and capital equipment", fiscal year 1972.

GENERAL SERVICES ADMINISTRATION

FEDERAL SUPPLY SERVICE

"Operating expenses", $1,351,000, of which $115,000 shall be derived by transfer from the appropriation for "Operating expenses, Public Buildings Service", fiscal year 1972, and $1,236,000 shall be derived by transfer from the appropriation for "Operating expenses, Property Management and Disposal Service", fiscal year 1972;

NATIONAL ARCHIVES AND RECORDS SERVICE

"Operating expenses", $419,000, to be derived by transfer from the appropriation for "Operating expenses, Public Buildings Service", fiscal year 1972;

OFFICE OF THE ADMINISTRATOR

"Salaries and expenses", $32,000, of which $7,000 shall be derived by transfer from the appropriation for "Operating expenses, Public Buildings Service", fiscal year 1972, and $25,000 shall be derived by transfer from the appropriation for "Operating expenses, Transportation and Communications Service", fiscal year 1972;

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", $12,087,000;

VETERANS ADMINISTRATION

"Medical and prosthetic research", $1,200,000, to be derived by transfer from the appropriation for "Medical care", fiscal year 1972;

"Medical administration and miscellaneous operating expenses", $355,000, to be derived by transfer from the appropriation for "Medical care", fiscal year 1972;

"General operating expenses", $4,688,000, to be derived by transfer from the appropriation for "Medical care", fiscal year 1972;

"Construction of hospital and domiciliary facilities", to remain available until expended, $204,000, to be derived by transfer from the appropriation for "Medical care", fiscal year 1972;

OTHER INDEPENDENT AGENCIES

ACTION

"Salaries and expenses", $892,000 (and an increase of $4,050,000 in the limitation on administrative expenses in the appropriation for "Salaries and expenses, Peace Corps");

AMERICAN BATTLE MONUMENTS COMMISSION

"Salaries and expenses", $120,000;

ARMS CONTROL AND DISARMAMENT AGENCY

"Arms control and disarmament activities", $116,000;

CIVIL AERONAUTICS BOARD

"Salaries and expenses", $98,000;

CIVIL SERVICE COMMISSION

"Salaries and expenses", $904,000, together with an additional amount of $229,000, to be derived by transfer from the "Civil Service retirement and disability fund", "Employees life insurance fund", "Employees health benefits fund", and the "Retired employees health benefits fund", in such amounts as may be determined by the Civil Service Commission;

COMMISSION OF FINE ARTS

"Salaries and expenses", $3,000;

COMMISSION ON CIVIL RIGHTS

"Salaries and expenses", $72,000;

FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses", $515,000;

FEDERAL HOME LOAN BANK BOARD

(Increases of $177,000 in the limitation on the amount available for administrative expenses and of $351,000 in the limitation on the amount available for nonadministrative expenses): *Provided*, That none of the funds made available for administrative or nonadministrative expenses of the Federal Home Loan Bank Board by this Act shall be used to finance the relocation of all or any part of the Federal Home Loan Bank from Greensboro, North Carolina, nor for the supervision, direction or operation of any district bank for the fourth district other than at such location;

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

(Increase of $12,000 in the limitation on the amount available for administrative expenses);

FEDERAL MEDIATION AND CONCILIATION SERVICE

"Salaries and expenses", $121,000;

HISTORICAL AND MEMORIAL COMMISSION

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

"Salaries and expenses", $34,000;

INDIAN CLAIMS COMMISSION

"Salaries and expenses", $20,000;

INTERGOVERNMENTAL AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Salaries and expenses", $15,000;

DELAWARE RIVER BASIN COMMISSION

"Salaries and expenses", $1,000;

SUSQUEHANNA RIVER BASIN COMMISSION

"Salaries and expenses", $1,000;

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

"Salaries and expenses", $76,000;

RAILROAD RETIREMENT BOARD

("Limitation on salaries and expenses", $405,000, to be derived from the railroad retirement accounts);

RENEGOTIATION BOARD

"Salaries and expenses", $32,000;

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", $500,000;

SMALL BUSINESS ADMINISTRATION

"Salaries and expenses", $1,300,000, of which $685,000 shall be derived by transfer from the "Business loan and investment fund", $260,000 by transfer from the "Disaster loan fund", and $5,000 by transfer from the "Lease and surety bond guarantees revolving fund";

SMITHSONIAN INSTITUTION

NATIONAL GALLERY OF ART

"Salaries and expenses", $128,000;

TARIFF COMMISSION

"Salaries and expenses", $113,000;

TEMPORARY STUDY COMMISSIONS

COMMISSION ON RAILROAD RETIREMENT

"Salaries and expenses", $9,000;

UNITED STATES INFORMATION AGENCY

"Salaries and expenses", $2,255,000;
"Special international exhibitions", $37,000;

DISTRICT OF COLUMBIA

"Federal payment to the District of Columbia", $4,654,000, to be paid to the general fund of the District of Columbia;

(OUT OF DISTRICT OF COLUMBIA FUNDS)

"General operating expenses", $980,000, of which $12,600 shall be payable from the highway fund (including $3,300 from the motor vehicle parking account), $2,100 from the water fund, and $800 from the sanitary sewage works fund;
"Public safety", $1,108,000;
"Education", $788,000;
"Recreation", $281,000;
"Human resources", $2,711,000;
"Highways and traffic", $331,000, of which $278,600 shall be payable from the highway fund (including $7,500 from the motor vehicle parking account);
"Sanitary engineering", $1,080,000, of which $279,600 shall be payable from the water fund, $195,800 from the sanitary sewage works fund, and $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 $119,000 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 therein.

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 1972, 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.

Retroactive pay increases.

SEC. 303. Applicable appropriations or funds available for the fiscal year 1972 shall also be available for payment of prior fiscal year obligations for retroactive pay increases granted pursuant to 5 U.S.C. 5341.

80 Stat. 471; 82 Stat. 997.

Approved May 27, 1972.

Public Law 92-307

AN ACT

June 2, 1972
[H. R. 14655]

To amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby added to the Atomic Energy Act a new section 192 to read as follows:

Nuclear power reactors.
Temporary licensing authority.
68 Stat. 921.
42 USC 2011.
76 Stat. 409.
42 USC 2239.

"SEC. 192. TEMPORARY OPERATING LICENSE.—

"a. In any proceeding upon an application for an operating license for a nuclear power reactor, in which a hearing is otherwise required pursuant to section 189 a., the applicant may petition the Commission for a temporary operating license authorizing operation of the facility pending final action by the Commission on the application. Such petition may be filed at any time after filing of: (1) the report of the Advisory Committee on Reactor Safeguards required by subsection 182 b.; (2) the safety evaluation of the application by the Commission's regulatory staff; and (3) the regulatory staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 853) or, in the case of an application for operating license filed on or before September 9, 1971, if the regulatory staff's final detailed statement required under section 102(2)(C) is not completed, the Commission must satisfy the applicable requirements of the National Environmental Policy Act prior to issuing any temporary operating license under this section 192. The petition shall be accompanied by an affidavit or affidavits setting forth the facts upon which the petitioner relies to justify issuance of the temporary operating license. Any party to the proceeding may file affidavits in support of, or opposition to, the petition within fourteen days after the filing of such petition, or within such additional time not to exceed ten days as may be fixed by the Commission. The Commission shall hold a hearing after ten days' notice and publication once in the Federal Register on any such petition and supporting material filed under this section and the decision of the Commission with respect to the issuance of a temporary operating license, following such hearing, shall be on the basis of findings on the matters specified in subsection b. of this section. The hearing required by this section and the decision of the Commission on the petition shall be conducted with expedited procedures as the Commission may by rule, regulation, or order deem appropriate for a full disclosure of material facts on all substantial issues raised in connection with the proposed temporary operating license.

42 USC 4332.

42 USC 4321 note.

Hearing; publication in Federal Register.

Requirements.

"b. With respect to any petition filed pursuant to subsection a. of this section, the Commission shall issue a temporary operating license upon finding that:

68 Stat. 955.
42 USC 2235.

"(1) the provisions of section 185 have been met with respect to the temporary operating license;

"(2) operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection of the environment during the period of the temporary operating license; and

"(3) operation of the facility in accordance with the terms and conditions of the temporary operating license is essential toward insuring that the power generating capacity of a utility system or power pool is at, or is restored to, the levels required to assure the adequacy and reliability of the power supply, taking into consideration factors which include, but need not be limited to, alternative available sources of supply, historical reserve requirements for the systems involved to function reliably, the possible endangerment to the public health and safety in the event of power shortages, and data from appropriate Federal and State governmental bodies which have official responsibility to assure an adequate and reliable power supply.

The temporary license shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof, and the requirement that the licensee not retire or dismantle any of its existing generating capacity on the ground of the availability of the capacity from the facility which is operating under the temporary license. Any decision or other document authorizing the issuance of any temporary license pursuant to this section shall recite with specificity the reasons justifying the issuance. The decision of the Commission with respect to the issuance of a temporary operating license shall be subject to judicial review pursuant to the Act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129).

Judicial review.

28 USC 2341 and note.

"c. The hearing on the application for the final operating license otherwise required pursuant to section 189 a. shall be concluded as promptly as practicable. The Commission shall vacate the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. Issuance of a temporary operating license pursuant to subsection b. of this section shall be without prejudice to the position of any party to the proceeding in which a hearing is otherwise required pursuant to section 189 a.; and failure to assert any ground for denial or limitation of a temporary operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license.

76 Stat. 409.
42 USC 2239.

Authority, expiration.

"d. The authority under this section shall expire on October 30, 1973."

Approved June 2, 1972.

Public Law 92-308

AN ACT

To consent to the Kansas-Nebraska Big Blue River Compact.

June 2, 1972
[H. R. 8116]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the Kansas-Nebraska Big Blue River Compact which is substantially as follows:

Kansas-Nebraska Big Blue River Compact.
Consent of Congress.

"KANSAS-NEBRASKA BIG BLUE RIVER COMPACT

"PREAMBLE

"The State of Kansas and the State of Nebraska, acting through their duly authorized Compact representatives, Keith S. Krause for the State of Kansas and Dan S. Jones, Jr., for the State of Nebraska, after negotiations participated in by Elmo W. McClendon, appointed by the President as the representative of the United States of America, and in accordance with the consent to such negotiations granted by an Act of Congress of the United States of America, approved June 3, 1960, Public Law 489, 86th Congress, 2nd Session, have agreed that the major purposes of this Compact concerning the waters of the Big Blue River and its tributaries are:

74 Stat. 160.

"A. To promote interstate comity between the States of Nebraska and Kansas;

"B. To achieve an equitable apportionment of the waters of the Big Blue River Basin between the two States and to promote orderly development thereof; and

"C. To encourage continuation of the active pollution-abatement programs in each of the two States and to seek further reduction in both natural and man-made pollution of the waters of the Big Blue River Basin.

"To accomplish these purposes, the said States have agreed as set forth in the following Articles.

"'ARTICLE I—DEFINITIONS

"'As used in this Compact:

"'1.1 The term "State" shall mean either State signatory hereto, and it shall be construed to include any person, entity, or agency of either State who, by reason of official responsibility or by designation of the Governor of the State, is acting as an official representative of the State;

"'1.2 The term "Kansas-Nebraska Big Blue River Compact Administration," or the term "Administration," means the agency created by this Compact for the administration thereof;

"'1.3 The term "Big Blue River Basin" means all of the drainage basin of the Big Blue and Little Blue Rivers in Nebraska and Kansas downstream to the confluence of the Big Blue River with the Kansas River near Manhattan, Kansas;

"'1.4 The term "Big Blue River Basin in Nebraska" means all of the drainage basin of the Big Blue River in Nebraska and is exclusive of the drainage basin of the Little Blue River in Nebraska;

"'1.5 The term "minimum mean daily flow" means the minimum mean flow for any one calendar day;

"'1.6 The term "pollution" means contamination or other undesirable alteration of any of the physical, chemical, biological, radiological, or thermal properties of the waters of the basin, or the discharge into the waters of the basin of any liquid, gaseous, or solid substances

that create or are likely to result in a nuisance, or that render or are likely to render the waters into which they are discharged harmful, detrimental, or injurious to public health, safety, or welfare, or that are harmful, detrimental or injurious to beneficial uses of the water;

"'1.7 The term "water project" means any physical structure or any man-made changes which affect the quantity or quality of natural water supplies or natural streamflows and which are designed to bring about greater beneficial use of the water resources of an area;

"'1.8 The term "natural flow" means that portion of the flow in a natural stream that consists of direct runoff from precipitation on the land surface, ground-water infiltration to the stream, return flows to the natural stream from municipal, agricultural, or other uses, and releases from storage for no designated beneficial use;

"'1.9 The term "inactive water appropriation" means a water right that is subject to cancellation or termination for non-use.

"'ARTICLE II—DESCRIPTION OF THE BASIN

"'2.1 The Big Blue River, a tributary of the Kansas River, drains an area of 9,696 square miles in south central Nebraska and north central Kansas. About 75 percent of the Big Blue River Basin is in Nebraska, and the remainder is in Kansas. The Big Blue River and its principal tributary, the Little Blue River, join near Blue Rapids, Kansas. From there, the Big Blue River flows generally southward to join the Kansas River near Manhattan, Kansas, as shown on Exhibit A.

"'2.2 Much of the upper portion of the basin in Nebraska is underlain with sands and gravels that supply large quantities of water to irrigation wells. The lower portion of the basin in Nebraska and that portion of the basin in Kansas lack significant ground-water supplies except within the major stream valleys.

"'ARTICLE III—ORGANIZATION OF COMPACT ADMINISTRATION

"'3.1 ADMINISTRATION AGENCY. There is hereby established an interstate administrative agency, to be known as the "Kansas-Nebraska Big Blue River Compact Administration," to administer the Compact.

"'3.2 ADMINISTRATION MEMBERSHIP. The Administration shall be composed of one ex officio member and one advisory member from each State, plus a Federal member to be appointed by the President if he so desires. The ex officio member from each State shall be the official charged with the duty of administering the laws of his State pertaining to water rights. Said official shall designate a representative who may serve in his place at meetings of the Administration. All actions taken by the designated representative in the transaction of the business of the Administration shall be in the name of the official he represents and shall be binding on that official. The advisory member from each State may serve in any capacity within the Administration. He shall reside in the Big Blue River Basin portion of the State he represents.

"'The Governor of each State shall appoint the advisory member from that State for a term of 4 years. This appointment shall be made within 90 days after the effective date of this Compact.

"'3.3 ADMINISTRATION GOVERNMENT. The Administration shall hold its first meeting within 120 days after the effective date of this Compact, and it shall meet at least annually thereafter. The Federal member, if one be designated, shall serve as Chairman, without vote. If no Federal representative is appointed, the Administration shall select a

Chairman, in addition to such officers as may be provided for in the rules and regulations, to serve at the will of the Administration. A meeting quorum shall consist of the ex officio members from both States, or their designated representatives. Each State shall have but one vote, cast by the ex officio member or his representative. All actions must be approved by both ex officio members or their representatives. Minutes of each meeting shall be kept, and they shall be available for public inspection.

"'3.4 ADMINISTRATION POWERS AND DUTIES. The Administration shall have the power to adopt rules and regulations consistent with the provisions of this Compact, to enforce such rules and regulations, and to otherwise carry out its responsibilities. It may institute action in its own name in courts of competent jurisdiction to compel compliance with the provisions of this Compact and with the rules and regulations it adopts.

"'The Administration is hereby authorized to employ the technical and clerical staff necessary to carry out its functions, and to maintain the office and appurtenances necessary to conduct its business. It may employ attorneys, engineers, or other consultants. It may purchase equipment and services necessary to its functions.

"'The Administration shall publish an annual report including a review of its activities and financial status. It may also prepare and publish such other reports and publications as it deems necessary. Report.

"'In order to provide a sound basis for carrying out the apportionment provisions of this Compact, the Administration shall cause to be established such stream-gaging stations, ground-water observation wells, and other data-collection facilities as are necessary for administering this Compact; and it shall install such other equipment and collect such data therefrom, for a period of not less than 5 years, as are necessary or desirable for evaluating the effects of pumping of wells on the flows of the Big Blue and Little Blue Rivers at the Kansas-Nebraska State line. The well area to be considered is described in Article V, paragraph 5.2.

"'The Administration shall have authority to accept funds from local, State, and Federal sources. It may enter into cooperative agreements and contribute funds to support such data-collection and analysis programs as are necessary for administration of the Compact.

"'ARTICLE IV—RESPONSIBILITY OF EACH STATE

"'4.1 EXPENSES OF ADMINISTRATION. Each State and Federal member of the Administration shall receive such compensation and such reimbursement for travel and subsistence as are provided by the government he represents, and he shall be paid by that government.

"'4.2. BUDGET. Each year, the Administration shall prepare a properly documented budget covering the anticipated expenditures of the Administration for the following fiscal period. Each State shall make provision in its budget for funds to pay its share of the expenses of the Administration, which shall be divided equally between the States of Kansas and Nebraska. The Administration shall establish a fund to which each State shall contribute equally and from which the expenses of the Administration shall be paid.

"'4.3 RECORDS AND INFORMATION. The State of Kansas and the State of Nebraska shall cooperate with the Administration and furnish to it such records, information, plans, data, and assistance as may be reasonably available; and they shall keep the Administration advised of Federal activities in connection with planning, design, construction, operation, and maintenance of water-resource projects in the Big Blue River Basin.

"'Any local, public, or private agency collecting water data or planning, designing, constructing, operating, or maintaining any water project or facility in the Big Blue River Basin shall keep the Administration advised of its investigations and of any proposed changes and additions to existing projects and facilities, and it shall submit plans for new projects to the Administration for review of those project aspects affecting surface-water flowage and quality.

"'ARTICLE V—APPORTIONMENT OF WATERS OF THE BIG BLUE RIVER BASIN

"'5.1 PRINCIPLES OF APPORTIONMENT. The physical and other conditions peculiar to the Big Blue River Basin constitute the basis for this apportionment, and neither of the signatory States hereby, nor the Congress of the United States by its consent hereto, concedes that this apportionment establishes any general principle with respect to any other interstate stream.

"'The States of Kansas and Nebraska subscribe to the principle of including storage capacity for low-flow regulation in reservoirs constructed by the U.S. Bureau of Reclamation and the U.S. Army Corps of Engineers, and to the principle of such administration as is required to assure that water released from storage for low-flow regulation shall remain available in the stream to accomplish its intended purpose.

"'5.2 NEBRASKA APPORTIONMENT.—The State of Nebraska shall have free and unrestricted use of the waters of the Little Blue and Big Blue River Basins in Nebraska, such use to be in accordance with the laws of the State of Nebraska, subject to the limitations set forth below.

"'(a) Water appropriations of record in the Little Blue and Big Blue River Basins in Nebraska on November 1, 1968, that were then inactive shall be cancelled by due process of laws in effect in that State.

"'(b) During the period, May 1–September 30 the State of Nebraska shall regulate diversions from natural flow of Streams in the Little Blue and Big Blue River Basins by water appropriators junior to November 1, 1968, in order to maintain minimum mean daily flows at the state-line gaging stations (which are now located at Fairbury and Barneston, respectively, but which may be relocated at such other places as may be designated state-line gaging stations by the Administration) during each month as follows:

Little Blue River		Big Blue River	
May	45 cfs	May	45 cfs
June	45 cfs	June	45 cfs
July	75 cfs	July	80 cfs
August	80 cfs	August	90 cfs
September	60 cfs	September	65 cfs

"'When such action is necessary to maintain the above schedule of flows, the State of Nebraska shall:

"'(1) Limit diversions by natural-flow appropriators in Nebraska in accordance with their water appropriations;

"'(2) Close, in reverse order of priority, natural-flow appropriations with priority dates subsequent to November 1, 1968, including rights to store water in the conservation-storage zones of reservoirs;

"'(3) Enjoin all persons not holding valid natural-flow appropriations from taking water during periods when the exercise of junior natural-flow appropriations is being restricted;

"'(4) Regulate, in the same manner that diversion of natural flows is regulated, withdrawals of water from irrigation wells installed after November 1, 1968, except equivalent wells drilled

to replace wells installed before that date, in the alluvium and valley side terrace deposits within one mile from the thread of the river and between the mouth of Walnut Creek and the Kansas-Nebraska State line on the Little Blue River and between the mouth of Turkey Creek and the Kansas-Nebraska State line on the Big Blue River (as delineated on Exhibits A and B of Supplement No. 1 to the Report of the Engineering Committee) provided that, if the regulation of such wells fails to yield any measurable increases in flows at the state-line gaging stations as determined by the investigations to be undertaken under Article III, paragraph 3.4, the regulation of such wells shall be discontinued. Determination of the effect on streamflow of the pumping of such wells shall rest with the administration.

" 'Delivery of water under the terms of this article shall be deemed to be in compliance with its provisions when the amounts passing the state-line gaging stations are substantially equivalent to the scheduled amounts. Minor irregularities in flow shall be disregarded.

" '(c) The storage capacity provided in reservoirs in the Little Blue River Basin in Nebraska shall be limited to a total of 200,000 acre-feet. Similarly, the storage capacity in reservoirs in the Big Blue River Basin in Nebraska shall be limited to 500,000 acre-feet. These limitations are exclusive of storage capacity that may be found necessary for regulation and use of waters imported into these basins in Nebraska; exclusive of storage capacity in small reservoir projects where the storage of water for subsequent use is less than 200 acre-feet; exclusive of storage capacity allocated to sedimentation and flood control; and exclusive of storage capacity allocated to, and from which water is released to accomplish low-flow augmentation for improvement of water quality, for fishery, wildlife, or recreation purposes, or for meeting the flow schedules at the Kansas-Nebraska State line as set out in Article V, paragraph 5.2.

" '5.3 KANSAS APPORTIONMENT. The State of Kansas shall have free and unrestricted use of all waters of the Big Blue River Basin flowing into Kansas from Nebraska in accordance with this Compact, and of all waters of the basin originating in Kansas, excepting such waters as may, in the future, flow from Kansas into Nebraska.

" '5.4 TRANSBASIN DIVERSION. In the event of any importation of water into the Big Blue River Basin by either State, the State making the importation shall have exclusive use of such imported water, including identifiable return flows therefrom. Neither State shall authorize the exportation from the Big Blue River of water originating within that basin without the approval of the administration.

" 'ARTICLE VI—WATER QUALITY CONTROL

" '6.1 The States of Kansas and Nebraska mutually agree to the principle of individual State efforts to control natural and man-made water pollution within each State and to the continuing support of both States in active water pollution control programs.

" '6.2 The two States agree to cooperate, through their appropriate State agencies, in the investigation, abatement, and control of sources of alleged interstate pollution within the Big Blue River Basin whenever such sources are called to their attention by the Administration.

" '6.3 The two States agree to cooperate in maintaining the quality of the waters of the Big Blue River Basin at or above such water quality standards as may be adopted, now or hereafter, by the water pollution control agencies of the respective States in compliance with the provisions of the Federal Water Quality Act of 1965, and amendments thereto.

79 Stat. 903.
33 USC 1151 note.

"'6.4 The two States agree to the principle that neither State may require the other to provide water for the purpose of water quality control as a substitute for adequate waste treatment.

"'ARTICLE VII—GENERAL PROVISIONS

"'7.1 RIGHT TO STORE WATER IN UPPER STATE. The right of the State of Kansas or of any person, corporation, local agency, or entity in Kansas to construct or participate in the future construction and use of any storage reservoir or diversion works in the Big Blue and Little Blue Basins of Nebraska for the purpose of regulating water to be used in Kansas shall never be denied: *Provided*, That such right is subject to the laws of the State of Nebraska and that any such storage for use by Kansas shall be excluded from the limitations on storage under Article V, paragraph 5.2(c).

"'Releases of water from storage provided by Kansas interests in the State of Nebraska shall not be counted toward meeting the minimum flow requirements at the State line under the provisions of paragraph 5.2(b).

"'7.2 DISCLAIMER. Nothing contained in this Compact shall be deemed:

"'1. To impair, extend, or otherwise affect any right or power of the United States, its agencies, or its instrumentalities involved herein;

"'2. To subject to the laws of the States of Kansas and Nebraska any property or rights of the United States that were not subject to the laws of those States prior to the date of this Compact;

"'3. To interfere with or impair the right or power of either signatory State to regulate within its boundaries the appropriation, use, and control of waters within that State consistent with its obligations under this Compact.

"'7.3 INVALIDITY IN PART. Should a court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of either signatory State or to the Constitution of the United States, all other severable provisions of this Compact shall continue in full force and effect.

"'7.4 FUTURE REVIEW. After the expiration of 5 years following the effective date of this Compact, the Administration may review any provision hereof; and it shall meet for such review whenever a member of the Administration from either State requests such review. All provisions hereof shall remain in full force and effect until changed and amended within the intent of the Compact by unanimous action of the Administration, and until such changes in this Compact are ratified by the Legislatures of the respective States and are consented to by the Congress of the United States, in the same manner that this Compact is required to be ratified and consented to before it becomes effective.

"'7.5 TERMINATION. This Compact may be terminated at any time by appropriate action of the Legislatures of both signatory States. In the event of amendment or termination of the Compact, the water-resource developments made in compliance with, and reliant upon, this Compact shall continue unimpaired.

"'ARTICLE VIII—RATIFICATION

"'8.1 This Compact shall become binding and obligatory when it shall have been ratified by the Legislature of each State and consented to by the Congress of the United States and when the Congressional Act consenting to this Compact includes the consent of

Congress to name and join the United States as a party in any litigation in the United States Supreme Court, if the United States is an indispensable party and if the litigation arises out of this Compact or its application, and if a signatory State is a party thereto.

"'8.2 Notice of ratification by the Legislature of each State shall be given by the Governor of that State to the Governor of the other State and to the President of the United States, and the President is hereby requested to give notice to the Governor of each State of the consent by the Congress of the United States.'

"IN WITNESS WHEREOF the authorized representatives have executed three counterparts hereof, each of which shall be and constitute an original, one of which shall be deposited with the Administrator of General Services of the United States, and one of which shall be forwarded to the Governor of each State.

"Done at Lincoln, Nebraska, this 25th day of January 1971.

"Keith S. Krause
"KEITH S. KRAUSE
"Commissioner for the State of Kansas

"Dan S. Jones, Jr.
"DAN S. JONES, Jr.
"Commissioner for the State of Nebraska

"APPROVED:
"Elmo W. McClendon
"ELMO W. MCCLENDON
"Representative of the United States of America"

SEC. 2. To carry out the purposes of Article VIII of the Compact, the Congress hereby consents to have the United States named and joined as a party in any litigation in the United States Supreme Court, if the United States is an indispensable party and if the litigation arises out of the Compact or its application, and if a signatory State is a party thereto.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Approved June 2, 1972.

Public Law 92-309

AN ACT

June 2, 1972
[H. R. 5199]

To provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes.

Miami Indians of Indiana and Oklahoma.
Judgment funds, distribution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Acts of July 22, 1969 (83 Stat. 49), and January 8, 1971 (84 Stat. 1981), to pay judgments awarded to the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and to pay a judgment awarded to the Miami Tribe of Oklahoma in docket numbered 251–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be distributed as provided in this Act.

SEC. 2. The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act.

Ancestry roll.

25 USC 1114.

SEC. 3. The Secretary of the Interior shall bring current to the date of this Act the roll prepared pursuant to section 4 of the Act of October 14, 1966 (80 Stat. 909), by (a) adding the names of persons living on the date of this Act who were eligible for enrollment under said section 4 but were not enrolled, (b) by adding the names of children born to enrollees on or prior to the date of this Act and who are living on said date, (c) by adding the names of children born to persons who were eligible for enrollment under said section 4 but who were not enrolled, regardless of whether such persons are living or deceased on the date of this Act, provided said children of such persons are living on the date of this Act, and (d) by deleting the names of persons who are deceased as of the date of this Act.

Enrollment application.

SEC. 4. An application for addition of a name to the roll pursuant to section 3 of this Act must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, on forms prescribed for that purpose. The determination of the Secretary regarding the eligibility of an applicant shall be final.

SEC. 5. On completion of the roll by the Secretary of the Interior, the balance of the funds appropriated to satisfy the judgments in dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and interest accumulated thereon, shall be distributed equally to the individuals enrolled.

SEC. 6. The funds on deposit in the Treasury of the United States to the credit of the Miami Tribe of Oklahoma that were appropriated by the Act of July 22, 1969 (83 Stat. 49), to pay a judgment by the Indian Claims Commission in docket numbered 251–A, together with the interest thereon, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body of the Miami Tribe of Oklahoma, and approved by the Secretary of the Interior.

Per capita payments.

SEC. 7. (a) Except as provided in subsection (b) of this section, the Secretary of the Interior shall distribute a per capita share payable to a living enrollee directly to such enrollee, and shall distribute a per capita share payable to a deceased enrollee directly to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

Minors.

(b) 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 interest of such persons.

Tax exemption.

SEC. 8. None of the funds distributed under the provisions of this Act shall be subject to Federal or State income taxes.

Rules and regulations.

SEC. 9. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

Approved June 2, 1972.

Public Law 92-310

AN ACT

June 6, 1972
[H. R. 13150]

To provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

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

Federal personnel surety bonds. Elimination.

TITLE I—ELIMINATION OF SURETY BONDS FOR FEDERAL CIVILIAN AND MILITARY PERSONNEL

ELIMINATION OF FEDERAL PERSONNEL SURETY BONDS

SEC. 101. (a) No agency of the Federal Government may require or obtain surety bonds for its civilian employees or military personnel in connection with the performance of their official duties.

(b) The personal financial liability to the Federal Government of such employees and personnel shall not be affected by reason of subsection (a) of this section.

"Agency of the Federal Government."

(c) For the purposes of this title, the term "agency of the Federal Government" means any agency, department, or other entity of the legislative, executive, or judicial branch of the Government of the United States, and includes each entity listed as a "wholly owned Government corporation" in section 101 of the Government Corporation Control Act (31 U.S.C. 846).

59 Stat. 597; 83 Stat. 825.

RESTORATIONS AND ADJUSTMENTS OF ACCOUNTS OF ACCOUNTABLE OFFICERS AND AGENTS FOR LOSSES TO THE UNITED STATES

SEC. 102. (a) Whenever—

(1) it is necessary to restore or otherwise adjust the account of any accountable officer or his agent for any loss to the United States due to the fault or negligence of such officer or agent, and

(2) the head of the agency of the Federal Government concerned determines that the amount of the loss is uncollectable,

such amount shall be charged to the appropriation or fund available for the expenses of the accountable function at the time the restoration or adjustment is made. Such restoration or adjustment shall not affect the personal financial liability of such officer or agent on account of such loss.

(b) The restorations and adjustments provided for by subsection (a) of this section shall be made in accordance with regulations which the Comptroller General of the United States shall prescribe and issue.

REPORTS OF SECRETARY OF THE TREASURY

SEC. 103. (a) For each of the first five full fiscal years following the date of enactment of this Act, the Secretary of the Treasury shall transmit to the Congress, on or before the 31st day of December first following the close of such fiscal year, a report of the experience of agencies of the executive branch under this Act in such form as may be necessary to enable the Congress to determine the results of operations under this Act.

(b) Each agency of the executive branch shall furnish to the Secretary of the Treasury such information as the Secretary may require to carry out the purposes of subsection (a) of this section.

EXISTING SURETY BONDS AND LIABILITIES

SEC. 104. Each surety bond procured before the date of enactment of this Act for any of the civilian employees or military personnel of the Federal Government and in effect on such date shall remain in full force and effect for all periods provided in the bond subject to the cancellation and other provisions therein. Any change made by this Act in existing law shall not affect—

(1) any liability of a surety to the Federal Government arising under the provisions of any such bond;

(2) any responsibility of a surety upon any such bond of a consular officer under former section 1735 of the Revised Statutes (22 U.S.C. 1199); or

(3) the jurisdiction of the United States district courts, concurrently with the courts of the several States, over any action brought on any such bond of an internal revenue officer or employee.

TITLE II—CHANGES IN EXISTING LAW

PART 1—CHANGES IN TITLES OF THE UNITED STATES CODE ENACTED AS POSITIVE LAW

TITLE 3, UNITED STATES CODE

62 Stat. 679.

SEC. 201. The first sentence of section 109 of title 3, United States Code, relating to the bond required of the employee placed in charge of certain property in the Executive Mansion, is amended by striking out ", and shall, before entering upon the duties of the office, give bond for the faithful discharge thereof, said bond to be in the sum of $10,000, and to be approved by the Director of the National Park Service".

TITLE 5, UNITED STATES CODE

80 Stat. 477.

SEC. 202. Section 5512(b) of title 5, United States Code, is amended by striking out "and his sureties".

TITLE 6, UNITED STATES CODE

SEC. 203. Title 6, United States Code, relating to official and penal bonds, is modified as follows:

Repeals.
61 Stat. 646.
69 Stat. 618.

(1) sections 1, 2, 3, 4, 5, and 14 are repealed;

(2) the last sentence of section 6 is amended by striking out "Except with respect to bonds obtained under section 14 of this title, no" and inserting in lieu thereof the word "No";

(3) the table of sections of such title is amended by striking out the items relating to sections 1, 2, 3, 4, 5, and 14; and

(4) the title of such title 6 which reads "Title 6—Official and Penal Bonds" is amended to read "Title 6—Surety Bonds".

TITLE 10, UNITED STATES CODE

Repeals.

SEC. 204. (a) Section 4834, relating to fidelity bonds of commissioned officers of the Quartermaster Corps, United States Army, and section 6026, relating to bonds of officers in the Supply Corps, United States Navy, of title 10, United States Code, are repealed.

70A Stat. 272, 377.

(b) The table of sections of chapter 453 of such title 10 is amended by striking out—

"4834. Fidelity bonds: accountable officers; Quartermaster Corps.".

(c) The table of sections of chapter 555 of such title 10 is amended by striking out—

"6026. Supply Corps officers: bonds.".

TITLE 17, UNITED STATES CODE

Repeal.
61 Stat. 666.

SEC. 205. (a) Section 204 of title 17, United States Code, relating to the bond required of the Register of Copyrights, Library of Congress, is repealed.

(b) The table of sections of chapter 3 of such title 17 is amended by striking out—

"204. Same; bond.".

TITLE 28, UNITED STATES CODE

Repeal.
80 Stat. 619.

SEC. 206. (a) (1) Section 564 of title 28, United States Code, relating to the bonds of United States marshals, is repealed.

(2) The table of sections of chapter 37 of such title 28 is amended by striking out—

"564. Bond.".

(b) Section 566 of title 28, United States Code, relating to the default or misfeasance of a deputy in connection with the bond of a deceased United States marshal, is amended—

(1) by striking out "(a)"; and

(2) by striking out subsection (b) thereof.

Repeals.
62 Stat. 918.

(c) Section 671(b) of title 28, United States Code, relating to the bond of the Clerk of the Supreme Court, is repealed.

(d) The last sentence of section 674(d) of title 28, United States Code, relating to the bond of the librarian of the Supreme Court, is repealed.

(e) (1) Section 952 of title 28, United States Code, relating to the bonds of clerks and deputies of Federal courts other than the Sureme Court, is repealed.

(2) The table of sections of chapter 57 of such title 28 is amended by striking out—

"952. Bonds of clerks and deputies.".

(f) (1) The second paragraph of section 954 of title 28, United States Code, relating to the default or misfeasance of a deputy in connection with the bond of a deceased clerk of a Federal court, is repealed.

(2) The section heading of such section 954, and the item relating to such section 954 in the table of sections of chapter 57 of such title 28, each is amended by striking out "and remedies against".

TITLE 32, UNITED STATES CODE

Repeal.
70A Stat. 614.

SEC. 207. Section 708(b)(1) of title 32, United States Code, relating to the bond required of property and fiscal officers of the National Guard, is repealed.

TITLE 35, UNITED STATES CODE

Repeal.
66 Stat. 793.

SEC. 208. (a) Section 5 of title 35, United States Code, relating to the bond required of the Commissioner of Patents and other officers of the Department of Commerce, is repealed.

(b) The table of sections of chapter 1 of such title 35 is amended by striking out—

"5. Bond of Commissioner and other officers.".

TITLE 38, UNITED STATES CODE

72 Stat. 1250.

SEC. 209. Section 4204(4) of title 38, United States Code, relating to fidelity bonds of employees of the Veterans' Canteen Service, is amended by striking out "and premiums on fidelity bonds of employees".

TITLE 44, UNITED STATES CODE

Repeal.
82 Stat. 1239.

SEC. 210. (a)(1) The last sentence of section 301 of title 44, United States Code, relating to the bond of the Public Printer, is repealed.

(2) The section heading of such section 301 is amended by striking out "; bond".

(3) The item relating to section 301 in the table of sections of chapter 3 of such title 44 is amended by striking out "; bond".

(b) Section 308(b) of title 44, United States Code, relating to the bond of a disbursing officer of the Government Printing Office, is amended—

(1) by striking out in the first sentence ", his estate, or the surety on his official bond," and inserting in lieu thereof "or his estate"; and

(2) by striking out in the second sentence "and the sureties upon his bond are" and inserting in lieu thereof "is".

PART 2—CHANGES IN PROVISIONS OF LAW CONTAINED IN TITLES OF THE UNITED STATES CODE NOT ENACTED AS POSITIVE LAW

TITLE 2, UNITED STATES CODE

Repeals.

SEC. 220. (a) Section 57 of the Revised Statutes (2 U.S.C. 65), relating to the bond of the Secretary of the Senate, is repealed.

(b) Section 58 of the Revised Statutes (2 U.S.C. 75), relating to the bond of the Clerk of the House of Representatives, is repealed.

(c) Section 59 of the Revised Statutes (2 U.S.C. 65 and 75), relating to the depositing of the bonds of the Secretary of the Senate and the Clerk of the House of Representatives, is repealed.

(d) Sections 4 and 5 of the Act entitled "An Act defining certain duties of the Sergeant at Arms of the House of Representatives, and for other purposes", approved October 1, 1890 (26 Stat. 645, 646; 2 U.S.C. 82), relating to the bond of the Sergeant at Arms of the House of Representatives, is repealed.

(e) Section 5 of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes", approved March 2, 1895 (28 Stat. 807; 2 U.S.C. 82), is amended by striking out the second, third, and fourth paragraphs.

6 USC 1-3.

(f) The last sentence in the fourth paragraph under the center heading "Library of Congress" and with the side heading "Custody, Care, and Maintenance of Library Building and Grounds" in the first section of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes", approved February 19, 1897 (29 Stat. 546; 2 U.S.C. 136, second sentence), relating to the bond of the Librarian of Congress, is repealed.

(g) The last paragraph under the heading "Senate" in the First Deficiency Act, fiscal year 1926 (84 Stat. 810; 2 U.S.C. 64a), relating to the bond of the Financial Clerk of the Senate in case of the death, resignation, or disability of the Secretary of the Senate, is amended by striking out ", under his bond as Financial Clerk,".

(h) That part of the Act entitled "An Act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof", approved May 11, 1928 (45 Stat. 497; 2 U.S.C. 142a), which reads ": *Provided*, That the person who shall disburse the appropriations for the Library of Congress and the Botanic Garden shall give bond payable to the United States in the sum of $30,000, with sureties approved by the Secretary of the Treasury for the faithful discharge of his duties", is repealed. Repeals.

(i) Section 7 of the Legislative Branch Appropriation Act, 1943 (56 Stat. 350; 2 U.S.C. 75a), relating to the bond of the Clerk of the House of Representatives and the disbursing clerk of the House, is amended—

(1) by striking out in the third sentence ", his estate, or the sureties on his official bond," and inserting in lieu thereof "or his estate";

(2) by striking out in such third sentence "but such disbursing clerk and his sureties shall be responsible therefor under their bond" and inserting in lieu thereof "but such disbursing clerk shall be responsible therefor"; and

(3) by striking out the last two sentences which read as follows: "The bond for the disbursing clerk of the House of Representatives shall be in the same amount as the bond required of the Clerk of the House of Representatives. The Secretary of the Treasury may, from time to time, require such disbursing clerk to renew his bond to the United States.".

(j) Section 105(n) of the Legislative Branch Appropriation Act, 1957 (70 Stat. 372; 2 U.S.C. 123b(n)), relating to the bonds of the Director of the House Recording Studio and the Director of the Senate Recording Studio, is repealed.

(k) Clause (2) of that part of the first section, preceding the first proviso in that section, of the Act entitled "An Act to fix the responsibilities of certifying officers and disbursing officer of the Library of Congress", approved June 13, 1957 (71 Stat. 81; 2 U.S.C. 142b), which reads "(2) be required to give bond to the United States, with good and sufficient surety approved by the Secretary of the Treasury, in such amount as may be determined by the Librarian of Congress, pursuant to standards prescribed by the Secretary of the Treasury, and under such conditions as may be prescribed by the Secretary of the Treasury;", is repealed.

TITLE 7, UNITED STATES CODE

SEC. 221. (a) Section 524 of the Revised Statutes (7 U.S.C. 2216), relating to the bond of the chief clerk of the Department of Agriculture, is repealed.

(b) Section 507(a) of the Federal Crop Insurance Act (52 Stat. 73; 7 U.S.C. 1507(a)), relating to the personnel of the Federal Crop Insurance Corporation, is amended— 63 Stat. 665.

(1) by inserting "and" immediately before "delegate"; and

(2) by striking out ", require bond of such of them as he may designate, and fix the penalties and pay the premiums of such bonds".

TITLE 11, UNITED STATES CODE

SEC. 222. (a) Section 50 of the Bankruptcy Act (30 Stat. 558; 11 U.S.C. 78), relating to the bonds of referees, receivers, and trustees, is amended— 52 Stat. 863.

(1) by striking out subsection (a), relating to the bonds of referees;

(2) by striking out "referees," in subsection (g);

(3) by striking out "referees," in subsection (h);
(4) by striking out "referee," in subsection (k); and
(5) by striking out subsection (l), relating to the period during which proceedings may be brought upon referees' bonds.

(b) Notwithstanding the amendment made by subsection (a)(5) of this section, proceedings upon referees' bonds procured before the date of enactment of this Act and in effect on such date may be brought at any time during the period ending two years after the alleged breach of the bond, but not thereafter.

TITLE 12, UNITED STATES CODE

SEC. 223. (a) Section 326 of the Revised Statutes (12 U.S.C. 3), relating to the oath and bond of the Comptroller of the Currency, is amended by striking out "; and he shall give to the United States a bond in the penalty of $250,000, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office".

(b) Section 327 of the Revised Statutes (12 U.S.C. 4), relating to the Deputy Comptroller of the Currency, is amended by striking out ", and give the United States a surety bond in the penalty of $100,000, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office,".

(c) Section 309(d) of the National Housing Act (68 Stat. 621; 12 U.S.C. 1723a(d)), relating to the personnel of the Government National Mortgage Association, is amended by striking out "Bonds may be required for the faithful performance of their duties, and the Association may pay the premiums therefor.".

TITLE 15, UNITED STATES CODE

SEC. 224. (a) Section 5(a) of the Small Business Act (72 Stat. 385; 15 U.S.C. 634(a)), relating to the general powers of the Small Business Administration, is amended by striking out "to provide bonds for them in such amounts as the Administrator shall determine;".

63 Stat. 156. (b) Section 10 of the Commodity Credit Corporation Charter Act (62 Stat. 1073; 15 U.S.C. 714h), relating to the executive staff of the Commodity Credit Corporation, is amended by striking out—

(1) ", require that such of them as he may designate be bonded and fix the penalties therefor"; and

(2) "The Corporation may pay the premium of any bond or bonds."

TITLE 16, UNITED STATES CODE

SEC. 225. (a) Section 3 of the Tennessee Valley Authority Act of 1933 (48 Stat. 59; 16 U.S.C. 831b), relating to personnel of the Tennessee Valley Authority, is amended by striking out "require bonds of such of them as the board may designate,".

(b) Section 4(f) of such Act (48 Stat. 60; 16 U.S.C. 831c(f)), relating to the bonds of the treasurer and assistant treasurers of the Tennessee Valley Authority, is amended by striking out ", which treasurer and assistant treasurers shall give such bonds for the safekeeping of the securities and moneys of the said Corporation as the Board may require".

TITLE 19, UNITED STATES CODE

Repeals. SEC. 226. Sections 2619 and 2620 of the Revised Statutes (19 U.S.C. 31, 32), relating to the bonds of customs officers and authorizing regulations therefor, are repealed.

TITLE 22, UNITED STATES CODE

SEC. 227. (a) Section 1735 of the Revised Statutes (22 U.S.C. 1199), relating to the liability of consular officers for neglect or malfeasance generally, is amended—

(1) by striking out "and his sureties upon his official bond" and "of the penalty" in the first sentence thereof; and

(2) by striking out ", under such bond," in the last sentence thereof.

(b) Section 35 of the Act entitled "An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor", approved February 23, 1931 (46 Stat. 1216; 22 U.S.C. 813), is amended—

(1) by striking out "bonded" immediately before "officers" in the fourth sentence thereof; and

(2) by striking out the sixth sentence thereof which reads as follows:

"Said district accounting and disbursing officers and their agents shall be bonded respectively to the United States for the faithful performance of their duties in such penal amounts as the President may require.".

(c) Section 1011 of the Foreign Service Act of 1946 (22 U.S.C. 808), relating to bonds of officers and employees of the Foreign Service, is repealed. Repeal. 60 Stat. 1030.

(d) Section 239(d) of the Foreign Assistance Act of 1961, as added by the Foreign Assistance Act of 1969 (83 Stat. 816; 22 U.S.C. 2199 (d)), relating to the general powers of the Overseas Private Investment Corporation, is amended by striking out "to require bonds of officers, employees, and agents and pay the premiums therefor;".

TITLE 24, UNITED STATES CODE

SEC. 228. (a) Section 7 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes", approved March 3, 1883 (22 Stat. 565; 24 U.S.C. 43), relating to the bond of the treasurer of the Soldiers' Home, is amended by striking out ", and the treasurer of the home shall be required to give a bond in the penal sum of $20,000 for the faithful performance of his duty".

(b) Section 4839 of the Revised Statutes (35 Stat. 592; 24 U.S.C. 165), relating to the bonds of the superintendent and disbursing clerk of Saint Elizabeths Hospital, is amended—

(1) by striking out ", and shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Secretary of Health, Education, and Welfare" in the first sentence thereof; and

(2) by striking out "who shall give a bond satisfactory to the Secretary of Health, Education, and Welfare," in the second sentence thereof.

(c) The second paragraph under the subheading "Saint Elizabeths Hospital" under the general heading "Department of the Interior" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes", approved June 5, 1920 (41 Stat. 920; 24 U.S.C. 166), is amended by striking out "who shall give a bond satisfactory to the Secretary of Health, Education, and Welfare, and".

TITLE 25, UNITED STATES CODE

Repeal.

SEC. 229. (a) Section 2075 of the Revised Statutes (25 U.S.C. 51), which reads "Sec. 2075. The President may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of Indian affairs.", is repealed.

(b) Section 4 of the Act entitled "An Act to legalize the deed and other records of the Office of Indian Affairs, and to provide and authorize the use of a seal by said office", approved July 26, 1892 (27 Stat. 273; 25 U.S.C. 7), is amended by striking out "who shall give bond in the sum of one thousand dollars,".

(c) The Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes", approved April 21, 1904 (33 Stat. 191; 25 U.S.C. 66, 52a), is amended—

(1) by striking out, in the twenty-fifth paragraph under the center heading "Current and Contingent Expenses", the sentence relating to the bond of superintendents of Indian training schools which reads "And the superintendent upon whom such duties devolve shall give bond as other Indian agents."; and

(2) by striking out, in the thirty-second paragraph under the center heading "Current and Contingent Expenses", the proviso which reads ": *Provided*, That hereafter when it becomes necessary to make large per capita payments to Indians, the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, is hereby authorized to require any disbursing officer of the Indian Department to file a special bond in such amount as may be necessary to make such payment in one installment, the expenses incurred in procuring such special bond to be paid by the United States from this appropriation".

(d) Title II of the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and eight", approved March 1, 1907 (34 Stat. 1020; 25 U.S.C. 66), is amended by striking out in the first paragraph under the heading "Indian Agents—Proviso" the following: "And the superintendent upon whom such duties devolve shall give bond as other Indian agents."

Repeal.

(e) The second paragraph under the subheading "Secretary" under the general heading "I. General Provisions" in the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and nine", approved April 30, 1908 (35 Stat. 71; 25 U.S.C. 52), which reads—

"Hereafter when the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Commissioner of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults of the principal which may be done or committed from and after the day on which the new bond was approved." is repealed.

(f) The proviso in the second paragraph under the center heading "Advertisement for Sale of Indian Lands (Reimbursable)" in the Act entitled "An Act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921", approved February 14, 1920 (41 Stat. 414; 25 U.S.C. 53), is amended—

(1) by striking out "the official bond given by the disbursing agent to the United States shall be held to cover and apply to the acts of the employee authorized to act in his place, who shall give bond to the disbursing agent in such sums as the latter may require, and with respect to any and all acts performed by him while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents."; and

(2) by inserting in lieu thereof "such clerk, while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents.".

TITLE 26, UNITED STATES CODE

SEC. 230. (a) Section 6803(a) of the Internal Revenue Code of 1954, relating, in part, to bonds for postmasters who are furnished certain stamps and other devices, is repealed. Repeal. 60A Stat. 830. 26 USC 6803.

(b) Section 7101 of such Code, relating to the form of certain bonds, is amended by striking out "sections 7485 and 6803(a)(1)" and by inserting in lieu thereof "section 7485". 68A Stat. 847.

(c) Section 7103(e) of such Code, relating to cross references to provisions for personnel bonds, is repealed. Repeals.

(d) Section 7402(d) of such Code, relating to actions brought on the official bond of certain internal revenue officers or employees, is repealed. 68A Stat. 873.

(e) Section 7803(c) of such Code, relating to the bonds of internal revenue officers and employees, is repealed. 68A Stat. 915.

TITLE 31, UNITED STATES CODE

SEC. 231. (a) The first sentence of section 176 of the Revised Statutes (31 U.S.C. 492–1), relating to the bonds of disbursing clerks of executive departments, is amended by striking out "; and shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Secretary of the Treasury, and with sureties to the satisfaction of the General Counsel for the Department of the Treasury; and shall from time to time renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct".

(b) Section 302 of the Revised Statutes (31 U.S.C. 142), relating to the bond of the Treasurer of the United States, is repealed. Repeal.

(c) Section 304 of the Revised Statutes (49 Stat. 1238, 68 Stat. 496; 31 U.S.C. 144), is amended by striking out ": *Provided, however*, That no appointments shall be made under the provisions of this section until the official bond given by the Treasurer shall be made in terms to cover and apply to the acts and defaults of every person appointed hereunder".

(d) Section 375 of the Revised Statutes (31 U.S.C. 1012), relating to false reports of collectors with respect to bonds delivered for suit, is repealed.

(e) Section 378 of the Revised Statutes (31 U.S.C. 1013), relating to the report of the General Counsel for the Department of the Treasury to the officer from whom a bond was received, is repealed.

Repeals.

(f) Section 3501 of the Revised Statutes (31 U.S.C. 270), relating to the bonds of certain officers, assistants, and clerks in the Bureau of the Mint, Department of the Treasury, is repealed.

(g) Section 3555 of the Revised Statutes (31 U.S.C. 281), relating to officers of the New York assay office, Bureau of the Mint, is amended by striking out "the oaths to be taken, and the bonds and sureties to be given by them," and inserting in lieu thereof "and the oaths to be taken,".

(h) Section 3600 of the Revised Statutes (31 U.S.C. 475), relating to the bonds of officers in mints or assay offices authorized by law to act as depositaries, is repealed.

(i) Section 3613 of the Revised Statutes (31 U.S.C. 480), relating to certain deputies in the Department of the Treasury, is amended by striking out the second sentence thereof which reads as follows: "The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases.".

(j) Section 3614 of the Revised Statutes (31 U.S.C. 481), relating to the bonds of special agents employed by departments, is repealed.

(k) Section 3625 of the Revised Statutes (31 U.S.C. 506), relating to distress warrants against sureties of certain officials who receive public moneys and fail to render proper account and payment, is amended—

(1) by striking out "and his sureties" wherever such words occur in the first sentence thereof;

(2) by striking out, in such first sentence, the word "reside" and inserting in lieu thereof the word "resides";

(3) by amending the second sentence thereof to read as follows: "Where the officer resides in a district other than that in which his estate may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively.".

(l) Section 3628 of the Revised Statutes (31 U.S.C. 509), relating to the execution of a distress warrant against the sureties of a delinquent finance officer, is repealed.

(m) Section 3629 of the Revised Statutes (31 U.S.C. 510), relating to liens on lands of delinquent officers and their sureties, is amended by striking out "and his sureties" and "or them".

(n) Section 3630 of the Revised Statutes (31 U.S.C. 511), relating to the sale of lands of delinquent officers and their sureties, is amended by striking out "or his sureties," and "and his sureties".

(o) Section 3631 of the Revised Statutes (31 U.S.C. 512), relating to the validity of the conveyance by a United States marshal of lands of a delinquent officer and his sureties, is amended by striking out "or his sureties".

(p) Section 3632 of the Revised Statutes (31 U.S.C. 513), relating to the return to a delinquent officer or his surety of moneys in excess of amounts needed to satisfy distress warrants, is amended by striking out "or surety, as the case may be".

(q) Section 3634 of the Revised Statutes (31 U.S.C. 516), applying the distress warrant provisions of the Revised Statutes to all Government officers charged with disbursement of public money and to their sureties, is amended—

(1) by striking out "and to their sureties,"; and

(2) by striking out "they" and inserting in lieu thereof "he".

(r) Section 3639 of the Revised Statutes (31 U.S.C. 521), relating to the duties of officers who are custodians of the public money, is amended by striking out the last sentence thereof which reads as follows: "The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all United States

attorneys, collectors of customs, comptrollers of customs, and surveyors of customs, Navy agents, Quartermaster General, registers of public lands, paymasters in the Army, and by all other officers employed in the disbursement of the public moneys, under the direction of the Department of the Army or the Navy Department.".

(s) (1) Section 3646(a) of the Revised Statutes (31 U.S.C. 528 (a)), relating to issuance by the Secretary of the Treasury of duplicate checks for lost, stolen, destroyed, mutilated, or defaced original checks, is amended by striking out "or his sureties" wherever such words occur in the proviso contained therein.

(2) The last sentence of section 3646(c) of the Revised Statutes (31 U.S.C. 528(c)) is amended by striking out "or his sureties" wherever such words occur in such sentence.

(t) The second proviso under the heading "United States Courts" contained in the Act entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for prior years, and for other purposes", approved February 26, 1896 (29 Stat. 25; 31 U.S.C. 110), which reads ": *Provided further*, That hereafter all fees for United States attorneys, marshals, clerks of courts and special counsel necessarily employed in prosecuting civil suits instituted by the Auditor for the Post Office Department through the Solicitor of the Treasury against the sureties on the official bonds of late postmasters, as provided for by section two hundred and ninety-two, Revised Statutes of the United States, shall be paid from the appropriations for expenses of the United States Courts", is repealed. Repeals.

(u) The second proviso under the heading "Miscellaneous" and with the side heading "Silk Investigations" contained in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and three", approved June 3, 1902 (32 Stat. 303; 31 U.S.C. 533), which reads "*And provided further*, That advances of public money from the appropriations for the Department of Agriculture shall be made by the Secretary of Agriculture only to such chiefs of field parties, agricultural explorers, special agents, and others as shall have given bonds in such sums as the Secretary of Agriculture shall direct", is repealed.

(v) That part of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 259; 31 U.S.C. 534), relating to bonds required of chiefs of field parties who are advanced public moneys for fighting forest fires, which is under the heading "Forest Service" and with the side caption "General Expenses, Forest Service", and which reads "and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the General Accounting Office;" is amended by striking out ", who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct,".

(w) Section 8 of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes", approved March 4, 1909 (35 Stat. 1027; 31 U.S.C. 494), relating to the

bond of an acting disbursing officer in case of sickness or absence of disbursing clerk or disbursing agent, is amended—

(1) by striking out the second sentence thereof which reads as follows:

"The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases.";

and

(2) by striking out in the third sentence thereof the following: ", and such acting officer shall be required by the head of the department, independent bureau, or office, to give bond to and in such sum as the disbursing clerk or disbursing agent may require".

(x) The paragraph under the heading "Treasury Department" and the sideheading "Offices of disbursing clerks" in the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eleven, and for other purposes", approved June 17, 1910 (36 Stat. 487; 31 U.S.C. 1015), relating to the bond of the deputy disbursing clerk of the Treasury Department, is amended—

(1) by striking out "he shall give bond to the disbursing clerk in such sum as the said disbursing clerk may require,"; and

(2) by striking out ", and the official bond of the disbursing clerk executed hereunder shall be made to cover and apply to the acts of the deputy disbursing clerk".

(y) The first paragraph immediately above the center heading "Life Saving Service" and with the sideheading "Compensation for disbursements restricted to bonded appointees" contained in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and twelve, and for other purposes", approved March 4, 1911 (36 Stat. 1387; 31 U.S.C. 546), is amended by striking out "and who have qualified by giving bonds".

(z) The first proviso under the heading "Department of Commerce" and under the subheading "Coast and Geodetic Survey" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes", approved July 1, 1918 (40 Stat. 688; 31 U.S.C. 550), relating to the bond required of chiefs of parties under the Coast and Geodetic Survey who are advanced public moneys, is amended by striking out ", who shall give bond under such rules and regulations and in such sum as the Secretary of Commerce may direct,".

(aa) The Act entitled "An Act making appropriations for the Diplomatic and Consular Service for fiscal year ending June thirtieth, nineteen hundred and nineteen", approved April 15, 1918 (40 Stat. 523; 31 U.S.C. 535), and the Act entitled "An Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922", approved March 2, 1921 (41 Stat. 1210; 31 U.S.C. 535), relating to the bond required of the commissioner on the part of the United States who is advanced public moneys in connection with activities regarding the United States-Canada boundary, which is under the heading "Boundary Line, Alaska and Canada, and The United States and Canada", are each amended by striking out in the first proviso thereto the following: ", who shall give bond under such rules and regulations and in such sum as the Secretary of State may direct,".

(bb) The Act entitled "An Act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies", approved July 3, 1926 (44 Stat. 888; 31 U.S.C. 103a), is amended—

(1) by striking out "and the consent of their surety or sureties, if any"; and

(2) by striking out ": *Provided*, That every deputy so designated for a disbursing officer who is bonded shall, if not already under bond, give bond as required by the head of the department concerned".

(cc) Section 2 of the Act entitled "An Act to fix the responsibilities of disbursing and certifying officers, and for other purposes", approved December 29, 1941 (55 Stat. 875; 31 U.S.C. 82c), is amended by striking out "(2) be required to give bond to the United States, with good and sufficient surety approved by the Secretary of the Treasury, in such amount as may be determined by the head of the department, agency, or establishment concerned, pursuant to standards prescribed by the Secretary of the Treasury, and under such conditions as may be prescribed by the Secretary of the Treasury; and (3)", and inserting in lieu thereof "and (2)".

(dd) The Act entitled "An Act to provide for the orderly transaction of the public business in the event of the death or of the resignation or separation from office of the Chief Disbursing Officer", approved December 24, 1942 (61 Stat. 717; 31 U.S.C. 1014), is amended—

(1) by striking out in the third sentence "his estate, or the surety on his official bond" and inserting in lieu thereof "or his estate";

(2) by striking out in such third sentence ", and his surety," and "under his bond"; and

(3) by striking out the last two sentences which read as follows: "The bond of the Acting Chief Disbursing Officer or acting regional disbursing officer shall be an amount at least equal to the minimum amount of the bond required of the Chief Disbursing Officer or the regional disbursing officer, respectively. The Secretary of the Treasury may, from time to time, require the Assistant Chief Disbursing Officer, or the assistant regional disbursing officer, to renew and increase his bond to the United States.".

(ee) The first proviso in the Act entitled "An Act to limit the time within which the General Accounting Office shall make final settlement of the monthly or quarterly accounts of fiscal officers, and for other purposes", approved May 19, 1947 (61 Stat. 101; 31 U.S.C. 82i), is amended by striking out "or his surety".

(ff) The Act entitled "An Act to provide for the orderly transaction of the public business in the event of the death, incapacity, or separation from office of a disbursing officer of the military department", approved July 31, 1953 (67 Stat 296; 31 U.S.C. 103b), is amended—

(1) by striking out in the third sentence ", his estate, or the surety on his official bond," and inserting in lieu thereof "or his estate";

(2) by striking out in such third sentence "and his surety," and "under his bond"; and

(3) by striking out the last two sentences thereof which read as follows:

"The bond of the deputy disbursing officer shall be an amount at least equal to the minimum amount of the bond required of the disbursing officer. The Secretary of the military department concerned may, from time to time, require the deputy disbursing officer to renew and increase his bond to the United States.".

(gg) The proviso contained in the first section of the Act entitled "An Act to provide for sundry administrative matters affecting the Federal Government, particularly the Army, Navy, Air Force, and

State Department, and for other purposes", approved June 4, 1954 (68 Stat. 176; 31 U.S.C. 95b), is amended by striking out "disbursing officer, agent, or surety of the United States" and inserting in lieu thereof "disbursing officer or agent of the United States".

TITLE 33, UNITED STATES CODE

SEC. 232. Section 4(a)(7) of the Act entitled "An Act for creation of the Saint Lawrence Seaway Development Corporation to construct part of the Saint Lawrence Seaway in United States territory in the interest of national security; authorizing the Corporation to consummate certain arrangements with the Saint Lawrence Seaway Authority of Canada relative to construction and operation of the seaway; empowering the Corporation to finance the United States share of the seaway cost on a self-liquidating basis; to establish cooperation with Canada in the control and operation of the Saint Lawrence Seaway; to authorize negotiations with Canada of an agreement on tolls; and for other purposes", approved May 13, 1954 (68 Stat. 94; 33 U.S.C. 984(a)(7)), relating to the power of Corporation to require fidelity bonds of its employees, is amended—

(1) by inserting "and" immediately before "delegate"; and

(2) by striking out ", require bonds of such of them as the Administrator may designate, and fix the penalties and pay the premiums on such bonds".

TITLE 47, UNITED STATES CODE

SEC. 233. The Act entitled "An Act to authorize payment of expenses of the Washington-Alaska Military Cable and Telegraph System out of receipts of such system as an operating expense", approved May 20, 1926 (44 Stat. 576; 47 U.S.C. 16), is amended by striking out "; and the expenses of procuring necessary official bonds, as determined by the Secretary of the Army, of enlisted men employed in connection with such money transfers, shall be paid out of the receipts of such system as an operating expense".

TITLE 48, UNITED STATES CODE

72 Stat. 1759.

SEC. 234. Section 4(i) of the Virgin Islands Corporation Act (63 Stat. 352; 48 U.S.C. 1407c(i)), relating to personnel of the Virgin Islands Corporation, is amended—

(1) by inserting "and" immediately before "without regard to the provisions of any other law," and

(2) by striking out "; and to require bonds from such of them as the Corporation may designate, the premiums therefor to be paid by the Corporation".

TITLE 50 APPENDIX, UNITED STATES CODE

SEC. 235. Section 6 of the Act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes", approved October 6, 1917 (40 Stat. 415; 50 App. U.S.C. 6), relating to the bond of the alien property custodian, is amended by striking out "The alien property custodian shall give such bond or bonds, and in such form and amount, and with such security as the President shall prescribe.".

PART 3—CHANGES IN PROVISIONS OF LAW CONTAINED IN THE CANAL ZONE CODE

TITLE 2, CANAL ZONE CODE

SEC. 240. Section 121(a) of title 2 of the Canal Zone Code (76A Stat. 15; 2 C.Z.C. 121(a)), relating to the bonds of certain personnel of the Panama Canal Company, is amended—

(1) by inserting "and" after the semicolon in paragraph (1);
(2) by striking out paragraph (2); and
(3) by redesignating paragraph (3) as paragraph (2).

PART 4—GENERAL REPEAL PROVISION

GENERAL REPEALER

SEC. 250. All laws or parts of laws not amended or repealed by part 1, 2, or 3 of this title and providing for surety or fidelity bonds for civilian employees and military personnel of the Federal Government for the faithful performance of their duties are repealed.

PART 5—REENACTMENT OF FORMER PROVISION OF TITLE 6, UNITED STATES CODE

Ante, p. 202.

NOTIFICATION OF DEFICIENCIES INCURRED BY FEDERAL OFFICALS

SEC. 260. Whenever any deficiency is discovered in the accounts of any official of the United States or in the accounts of any officer disbursing or chargeable with public money, the accounting officers making such discovery shall notify immediately the head of the department having control over the affairs of such official or officer of the nature and amount of such deficiency.

Approved June 6, 1972.

Public Law 92-311

AN ACT

June 6, 1972
[H. R. 13361]

To amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended.

Tobacco.
Quota transfers.
75 Stat. 469;
80 Stat. 220.
7 USC 1314b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of subsection (c) of section 316 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows: "Any lease of Flue-cured tobacco acreage-poundage marketing quotas from any farm with an acreage-poundage marketing quota in excess of 2,000 pounds filed on or after June 15 in any year shall not be effective unless the acreage planted on both the lessor and the lessee farms during the current marketing year was as much as 50 per centum of the farm acreage allotment in effect for such year."

Approved June 6, 1972.

Public Law 92-312

June 14, 1972
[S. 1140]

AN ACT

To authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

Southern Ute Indian Tribe, Colo.
Tribal lands, sale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of the Southern Ute Indian tribal constitution and the ordinances and resolutions adopted thereunder, any lands that are held by the United States in trust for the Southern Ute Indian Tribe or that are subject to a restriction against alienation or taxation imposed by the United States, and that are not needed for Indian use, may be sold by the Southern Ute Indian Tribe, with the approval of the Secretary of the Interior, and such sale shall terminate the Federal trust or restrictions against alienation or taxation of the lands, except that the trust or restricted status of said lands may be retained, upon approval of the Secretary of the Interior, in any sale to a member of the tribe.

Funds.

SEC. 2. All funds derived from the sale of lands pursuant to this Act shall be used only for the purchase of real property within the boundaries of the Southern Ute Indian Reservation. Title to any lands purchased with such funds and title to any lands reacquired by the tribe by foreclosure of a mortgage or deed of trust shall be taken in the name of the United States in trust for the Southern Ute Indian Tribe.

Mortgages.

SEC. 3. Any tribal lands that may be sold pursuant to section 1 of this Act may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust, and shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State in which the land is located. The United States shall be an indispensable party to any such proceeding with the right of removal of the proceeding to the United States district court for the district in which the land is located, following the procedure in section 1446, title 28 of the United States Code, and the United States shall have the right to appeal from any order of remand in the proceeding.

62 Stat. 939; 79 Stat. 887.

Approved June 14, 1972.

Public Law 92-313

June 16, 1972
[S. 1736]

AN ACT

To amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

Public Buildings Amendments of 1972.

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 Buildings Amendments of 1972".

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended as follows:

(1) strike out in subsection (b) of section 4 the figure "$200,000" and insert the figure "$500,000" in lieu thereof;

(2) strike out in subsection (a) of section 12 the following: "as he determines necessary,";

(3) insert at the end of section 12(c) the following sentence: "In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design."; and

73 Stat. 482.
40 USC 611.

(4) section 7 is amended to read as follows:

40 USC 606.

"SEC. 7. (a) In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000 if such construction, alteration, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. No appropriation shall be made to lease any space at an average annual rental in excess of $500,000 for use for public purposes if such lease has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. For the purpose of securing consideration for such approval, the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

Proposed facilities, congressional approval.

Prospectus, transmittal to Congress.

"(1) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased under this Act;

"(2) the location of the building or space to be leased and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, acquired, or the space to be leased;

"(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings;

"(4) with respect to any project for the construction, alteration, purchase, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

"(5) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, purchased, acquired, or the space to be leased.

"(b) The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

Estimated maximum cost, increase.

"(c) In the case of any project approved for construction, alteration, or acquisition by the Committees on Public Works of the Senate and of the House of Representatives, respectively, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

Emergency leasing authority.

"(d) Nothing in this section shall be construed to prevent the Administrator from entering into emergency leases during any period declared by the President to require such emergency leasing authority, except that no such emergency lease shall be for a period of more than 180 days without approval of a prospectus for such lease in accordance with subsection (a) of this section."

66 Stat. 594; 72 Stat. 1709.

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is amended to read as follows:

Real property management financing fund.

"(f)(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

Post, p. 219.

"(A) User charges made pursuant to subsection (j) of this section payable in advance or otherwise.

"(B) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

"(C) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

"(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

Unexpended balances, merger.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1972; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; and (C) any funds appropriated to General Services Administration under the headings 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building Numbered 7, Washington, District of Columbia', and 'Additional Court Facilities', in any appropriation Act, for the years prior to the fiscal year in which the fund becomes operational. The fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

40 USC 296.

Advances.

"(4) There is authorized to be appropriated to the fund for the fiscal year in which the fund becomes operational, and for the succeeding fiscal year, such advances to the fund as may be necessary to carry out its purposes. Such advances shall be repaid within 30 years, with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities

of such advances adjusted to the nearest one-eighth of 1 per centum.

"(5) In any fiscal year there may be deposited to miscellaneous receipts in the Treasury of the United States such amount as may be specified in appropriation Acts.

"(6) Nothing in this section shall preclude the Administrator from providing special services not included in the standard level user charge on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding two new subsections reading as follows:

64 Stat. 580; 79 Stat. 1304.

"(j) The Administrator is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612(5)), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection if he determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

Space and services furnished by GSA, charges.

Exemption.

"(k) Any executive agency, other than the General Services Administration, which provides to anyone space and services set forth in subsection (j) of this section, is authorized to charge the occupant for such space and services at rates approved by the Administrator. Moneys derived by such executive agency from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law."

Other executive agencies, rates.

SEC. 5. (a) Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space by entering into purchase contracts, the terms of which shall not be more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder. Each purchase contract authorized by this section shall be entered into pursuant to the provisions of title III of the Federal Property and Administrative Services Act of 1949, as amended. If any such contract is negotiated, the determination and findings supporting such negotiation shall be promptly reported in writing to the Committees on Public Works of the Senate and House of Representatives. Proposals for purchase contracts shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the facility to be procured.

Purchase contract authority.

63 Stat. 393. 41 USC 251.

Report to congressional committees.

(b) Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party

Limitation.

or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of construction of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if not owned by the United States; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under paragraph (1) above; and

(3) reimburse the contractor for the cost of any other obligations required of him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractor.

(c) Funds available on the date of enactment of this subsection for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

Real property taxation.

(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

GSA agreements, land improvement, authorization.

(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess. Projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space, except that any such project shall be subject to the requirements of section 7(b) of the Public Buildings Act of 1959, as amended, based upon an estimated maximum cost increased by not more than an average of 10 per centum per year, exclusive of financing or other costs attributable to the use of the method of construction authorized by this section.

73 Stat. 479.

Ante, p. 217.

Prospectus, submittal and approval.

(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 7 of the Public Buildings Act of 1959, as amended.

Authority, expiration.

(g) No purchase contract shall be entered into under the authority granted under this section after the end of the third fiscal year which begins after the date of enactment of this section.

(h) No space shall be provided pursuant to this section until after the expiration of 30 days from the date upon which the Administrator of General Services notifies the Committees on Appropriations of the

Senate and House of Representatives of his determination that the best interests of the Federal Government will be served by providing such space by entering into a purchase contract therefor.

Carbondale, Ill., conveyance for public park.

SEC. 6. (a) The Postmaster General of the United States Postal Service shall convey to the city of Carbondale, Illinois, all right, title, and interest of the United States and such Postal Service, in and to the real property (including any improvements thereon) in Carbondale, Illinois, bounded by old West Main Street on the south, Glenview Drive on the west, Illinois Route 13 and access road to Murdale Shopping Center on the north, and by Texaco Service Station and residences on the north, approximately 308 feet on the east, 525 feet on the south, 420 feet on the west and with an irregular boundary on the north, a total area of approximately 191,000 square feet. The exact legal description of the property shall be determined by the Postmaster General, without cost to the city of Carbondale, Illinois. Such conveyance shall be made without payment of monetary consideration and on condition that such property shall be used solely for public park purposes, and if it ever ceases to be used for such purpose, the title thereto shall revert to the United States which shall have the right of immediate reentry thereon.

U.S. reversion right.

New York City, air rights for public housing.

(b) (1) The United States Postal Service shall grant to the City of New York, without reimbursement, air rights for public housing purposes above the postal facility to be constructed on the real property bounded by Twenty-eighth and Twenty-ninth Streets, Ninth and Tenth Avenues, in the City of New York (the Morgan Annex site), such facility to be designed and constructed in such manner as to permit the building by the City of New York of a high-rise residential tower thereon, *Provided*, That—

Conditions.

(A) the City of New York shall grant to the Postal Service without reimbursement exclusive use of Twenty-ninth Street, between Ninth and Tenth Avenues in the City of New York, such use to be irrevocable unless the Postal Service sells, leases, or otherwise disposes of the Morgan Annex site; and

(B) the City of New York shall agree to reimburse the Postal Service for the additional cost of designing and constructing the foundations of its facility so as to render them capable of supporting a residential tower above the facility, and shall issue any permits, licenses, easements and other authorizations which may be necessary or incident to the construction of the postal facility.

(2) If within twenty-four months after the City of New York has complied with the provisions of paragraphs (A) and (B) of subsection (d) (1) of this section, the United States Postal Service has not awarded a contract for the construction of its facility, the Postal Service shall convey to the City of New York, at the fair market value, all right, title and interest in and to the above-described real property. Such conveyance shall be made on the condition that such property shall be used solely for public housing purposes, and if public housing is not constructed on the property within five years after title is conveyed to the City of New York or if thereafter the property ever ceases to be used for such purposes, title thereto shall revert to the Postal Service, which shall have the right of immediate reentry thereon.

U.S. Postal Service, reversion right.

Regulations.

SEC. 7. To carry out the provisions of the Public Buildings Amendments of 1972, the Administrator of General Services shall issue such regulations as he deems necessary. Such regulations shall be coordinated with the Office of Management and Budget, and the rates established by the Administrator of General Services pursuant to sections 210(j) and 210(k) of the Federal Property and Administrative Services Act of 1949, as amended, shall be approved by the Director of the Office of Management and Budget.

Ante, p. 219.

House office space.

SEC. 8. (a) 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 purpose of providing office and other accommodations for the House of Representatives, the building, known as the Congressional Hotel, acquired by the Government in 1957 as part of Lot 20 in Square 692 in the District of Columbia under authority of the Additional House Office Building Act of 1955 and (2) to direct the Architect of the Capitol to lease, at fair market value, for such other use and under such terms and conditions and to such parties as such Commission may authorize, any space in such building not required for the aforesaid purpose.

69 Stat. 42. 40 USC 175 note.

"House Office Buildings."

(b) 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.

Kennedy Center.

SEC. 9. Section 8 of the John F. Kennedy Center Act, as amended (72 Stat. 1969) is amended by inserting "(a)" immediately after "SEC. 8." and by adding at the end thereof the following new subsection:

78 Stat. 4; 83 Stat. 135.

Appropriation.

"(b) There is hereby authorized to be appropriated to the Board not to exceed $1,500,000 for the fiscal year ending June 30, 1972, for the public costs of maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts."

72 Stat. 1699; 78 Stat. 4.

SEC. 10. Section 6 of the John F. Kennedy Center Act, as amended (72 Stat. 1968), is amended by adding at the end thereof the following new subsection:

National Park Service, nonperforming arts functions.

"(e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1973, to the Secretary of the Interior such sums as may be necessary for carrying out this subsection."

Appropriation.

Effective date.

SEC. 11. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

Ante, p. 219.

Approved June 16, 1972.

Public Law 92-314

June 16, 1972 [S. 3607]

AN ACT

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, 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,

Atomic Energy Commission. Appropriation authorization. 77 Stat. 88. 42 USC 2017.

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,110,480,000 not to exceed

$126,400,000 in operating costs for the high energy physics program category.

(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:

(1) NUCLEAR MATERIAL.—

Project 73–1–a, in-tank solidification systems auxiliaries, Richland, Washington, $2,500,000.

Project 73–1–b, waste management effluent diversion control facilities, separations areas, Richland, Washington, $1,000,000.

Project 73–1–c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, $1,400,000.

Project 73–1–d, component test facility, Oak Ridge, Tennessee, $20,475,000.

Project 73–1–e, radioactive waste management improvements, Savannah River, South Carolina, $1,300,000.

Project 73–1–f, safety improvements, reactor areas, Savannah River, South Carolina, $2,000,000.

Project 73–1–g, contaminated soil removal facility, Richland, Washington, $1,400,000.

Project 73–1–h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, $3,250,000.

Project 73–1–i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

(2) NUCLEAR MATERIAL.—

Project 73–2–a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, $4,300,000.

Project 73–2–b, improved sanitary waste treatment facilities, Savannah River, South Carolina, $1,100,000.

(3) ATOMIC WEAPONS.—

Project 73–3–a, weapons production, development, and test installations, $10,000,000.

Project 73–3–b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, $5,200,000.

Project 73–3–c, laser fusion laboratory, Lawrence Livermore Laboratory, California, $6,800,000.

Project 73–3–d, classified facilities, sites undesignated, $15,000,000.

(4) ATOMIC WEAPONS.—

Project 73–4–a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, $700,000.

Project 73–4–b, land acquisition, Rocky Flats, Colorado, $8,000,000.

(5) REACTOR DEVELOPMENT.—

Project 73–5–a, Liquid Metal Engineering Center facility modifications, Santa Susana, California, $3,000,000.

Project 73–5–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $4,000,000.

Project 73–5–c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, $3,000,000.

Project 73–5–f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, $8,000,000.

Project 73–5–g, modifications to reactors, $3,000,000.

Project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, $56,000,000.

(6) PHYSICAL RESEARCH.—

Project 73–6–a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $400,000.

Project 73–6–b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, $475,000.

Project 73–6–c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 73–6–d, accelerator improvements, Lawrence Berkeley Laboratory, California, $525,000.

Project 73–6–e, accelerator improvements, Stanford Linear Accelerator Center, California, $1,025,000.

Project 73–6–f, accelerator and reactor improvements, medium and low-energy physics, $600,000.

(7) BIOLOGY AND MEDICINE.—

Project 73–7–a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, $2,000,000.

(8) BIOLOGY AND MEDICINE.—

Project 73–8–a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, $1,200,000.

(9) ADMINISTRATIVE.—

Project 73–9–a, addition to headquarters building (AE only), Germantown, Maryland, $1,500,000.

(10) GENERAL PLANT PROJECTS.—$49,050,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $164,080,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) 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 Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) 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 Commission is authorized to start any project under subsection 101(b)(10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101 (b)(10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Construction design services.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission 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.

Transfer of amounts.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91-44, as amended, is further amended by striking from subsection (b)(1), project 70-1-b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

83 Stat. 46.

(b) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b)(1), project 71-1-e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b)(1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "$10,400,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b)(6), project 71-6-a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4) striking from subsection (b)(9), project 71-9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

84 Stat. 299; 85 Stat. 306.

(c) Section 101 of Public Law 92-84, as amended, is further amended by (1) striking from subsection (b)(1), project 72-1-f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b)(2), project 72-2-b, weapons neutron research facility, the words "(AE only)" and further striking the figure "$585,000" and substituting therefor the figure "$4,400,000", (3) striking from subsection (b)(3), project 72-3-b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words "*Provided*, That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b)(5), project 72-5-a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

85 Stat. 304.

SEC. 106. RESCISSION.—(a) Public Law 91-44, as amended, is further amended by rescinding therefrom authorization for the following projects, except for funds heretofore obligated:

Project 70-2-a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70-4-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(b) Public Law 91-273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71-3-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

TITLE II

Radiation exposure, remedial action.

SEC. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

Federal-State cooperation.

SEC. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to, radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate:

Cooperative arrangement, submittal to congressional committee.

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

Rules and regulations.

SEC. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a)(2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

80 Stat. 383.

SEC. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of $5,000,000. Appropriation.

TITLE III

SEC. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection: 68 Stat. 948; 78 Stat. 606. 42 USC 2201.

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.". Nuclear power reactors, licensing fees. 42 USC 2133, 2134. 65 Stat. 290.

Approved June 16, 1972.

Public Law 92-315

AN ACT

To amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

June 20, 1972
[H. R. 9096]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 765 of title 38, United States Code, is amended by— Servicemen's group life insurance. Cadets and midshipmen. 84 Stat. 326; 85 Stat. 642.

(1) striking from paragraph (B) of clause (1) "and";

(2) striking the period at the end of paragraph (C) of clause (1) and inserting "; and" in place thereof;

(3) adding the following new paragraph to clause (1):

"(D) full-time duty as a cadet or midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy."; and

(4) adding immediately after "grade" and before the semicolon in paragraph (A) of clause (5) the following: ", or as a cadet or midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy".

Approved June 20, 1972.

Public Law 92-316

AN ACT

To amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

June 22, 1972
[H. R. 11417]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 303(d) of the Rail Passenger Service Act of 1970 (45 U.S.C. 543(d)) is amended by inserting immediately after the second sentence thereof the following new sentence: "No officer of the Corporation shall receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code.". Amtrak. Financial assistance. 84 Stat. 1330. 83 Stat. 864.

(b) No individual serving as an officer of the National Railroad

Passenger Corporation on the date of enactment of this Act shall have his rate of compensation as such officer reduced solely by reason of the enactment of the amendment made by subsection (a) of this section: *Provided, however*, That compensation to any officer of the Corporation in excess of level I of the Executive Schedule, shall be paid only from net profits of the Corporation.

83 Stat. 864.
5 USC 5312 note.

SEC. 2. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545) is amended—

84 Stat. 1332.

(1) by inserting "(a)" immediately before the first sentence thereof;

(2) by inserting immediately after the second sentence thereof the following: "Insofar as practicable, the Corporation shall directly operate and control all aspects of its rail passenger service."; and

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

"(b) The Corporation shall take such actions as may be necessary to increase its revenues from the carriage of mail and express. The Corporation is authorized and directed to acquire the equipment or modify existing equipment for the efficient carriage of mail and express. Upon request by the Corporation, Federal departments and agencies shall, consistent with the provisions of existing law, provide such assistance as may be necessary in carrying out the purposes of this subsection.".

SEC. 3. (a) Section 306(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 546(a)) is amended by striking out "all provisions of the Interstate Commerce Act" and inserting in lieu thereof "all provisions, including the provisions of section 22(1), of the Interstate Commerce Act".

24 Stat. 387.
49 USC 22.

(b) Section 306 of the Rail Passenger Service Act of 1970 (45 U.S.C. 546) is amended by adding at the end thereof the following new subsections:

"(f) All departments, agencies, and instrumentalities of the Federal Government shall, in authorizing travel in the continental United States for their employees or for members of the Armed Forces or commissioned services, treat travel by train (whether or not extra fare trains) on the same basis as travel by other authorized modes.

Freedom of information.
81 Stat. 54.

"(g) The Corporation shall be subject to the provisions of section 552 of title 5, United States Code.".

SEC. 4. Section 308 of the Rail Passenger Service Act of 1970 (45 U.S.C. 548) is amended to read as follows:

"SEC. 308. REPORTS TO THE CONGRESS.

"(a)(1) Not later than the eightieth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) Total itemized revenues and expenses.

"(B) Revenues and expenses of each train operated.

"(C) Revenues and total expenses attributable to each railroad over which service is provided.

"(2) Not later than the fifteenth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for

such calendar month:

"(A) The average number of passengers per day on board each train operated.

"(B) The on-time performance at the final destination of each train operated, by route and by railroad.

"(b) The Corporation shall transmit to the President and to the Congress by January 15 of each year (beginning with 1973), and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the preceding year. At the time of its annual report, the Corporation shall submit such legislative recommendations as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

Report to President and Congress.

"(c) The Secretary and the Commission shall transmit to the President and to the Congress by March 15 of each year (beginning with 1974) reports (or, in their discretion, a joint report) on the effectiveness of this Act in meeting the requirements for a balanced national transportation system, together with any legislative recommendations.".

SEC. 5. Section 402 of the Rail Passenger Service Act of 1970 (45 U.S.C. 562) is amended—

84 Stat. 1335.

(1) by inserting "within ninety days after application by the Corporation," immediately after "Interstate Commerce Commission shall," in the second sentence of subsection (a); and

(2) by adding at the end thereof the following new subsection:

"(c) To facilitate such operations by the Corporation as may be deemed by it to be necessary in an emergency, the Commission shall, upon application by the Corporation, require a railroad to make immediately available tracks and other facilities for the duration of such emergency. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable including indemnification of the railroad by the Corporation against any casualty risk to which it may be exposed.".

Emergency measures.

SEC. 6. Section 403(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 563(a)) is amended to read as follows:

Experimental service.

"(a) The Corporation may provide intercity rail passenger service in excess of that prescribed for the basic system, either within or outside the basic system, where the Corporation, based on its own or available marketing studies or other similar reports or information, determines that experimental or expanded service would be justified, if consistent with prudent management. In determining the establishment of the additional routes, the Corporation shall take into account the current and the estimated future population and economic conditions of the points to be served, the adequacy of alternative modes of transportation available to those points, and the cost of adding the service. The Corporation shall cooperate with State, regional, and local agencies to encourage the use of trains established under this subsection and shall make reasonable efforts to assure high quality of customer services. Any intercity rail passenger service provided under this subsection for a continuous period of two years shall be designated by the Secretary as a part of the basic system.".

Employee protection.
84 Stat. 1337.

SEC. 7. (a) Section 405(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(a)) is amended to read as follows:

"(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees, including employees of terminal companies, affected by a discontinuance of intercity rail passenger service whether occurring before, on, or after January 1, 1975. A 'discontinuance of intercity rail passenger service' shall include any discontinuance of service performed by railroad under any facility or service agreement under sections 305 and 402 of this Act pursuant to any modification or termination thereof or an assumption of operations by the Corporation.".

"Discontinuance of intercity rail passenger service."

(b) Section 405(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(b)) is amended by inserting the following words after the words "affected employees" in the last sentence thereof: ", including affected terminal employees,".

(c) Section 405(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(c)) is amended to read as follows:

"(c) Upon commencement of operations in the basic system, the substantive requirements of subsections (a) and (b) of this section shall apply to the Corporation and its employees in order to insure the maintenance of the protective arrangements specified in such subsections, except that nothing in this subsection shall be construed to impose upon the Corporation any obligation of a railroad with respect to any right, privilege, or benefit earned by any employee as a result of prior service performed for such railroad. The Secretary of Labor shall certify that affected employees of the Corporation have been provided fair and equitable protection as required by this section within one hundred and eighty days after assumption of operations by the Corporation.".

Free or reduced-rate privileges.

SEC. 8. Section 405 of the Rail Passenger Service Act of 1970 (45 U.S.C. 565) is further amended by adding at the end thereof the following new subsection:

"(f) The Corporation shall take such action as may be necessary to assure that, to the maximum extent practicable, any railroad employee eligible to receive free or reduced-rate transportation by railroad on April 30, 1971, under the terms of any policy or agreement in effect on such date will be eligible to receive, provided space is available, free or reduced-rate transportation on any intercity rail passenger service provided by the Corporation under this Act, on terms similar to those available on such date to such railroad employee under such policy or agreement. However, the Corporation may apply to all railroad employees eligible to receive free or reduced-rate transportation under such policies or agreements, a single systemwide schedule of terms determined by the Corporation to reflect terms applicable to the majority of such employees under those policies or agreements in effect on April 30, 1971. The Corporation shall be reimbursed by the railroads by way of payment or offset for such costs as may be incurred in providing transportation services to railroad employees under any policy or agreement referred to in the first sentence of this subsection, including the costs of implementing and administering this section. Within ninety days after the enactment of this sentence, each railroad shall enter into an agreement with the Corporation for the payment

of such expenses. If the Corporation and a railroad are unable to agree as to the amount of any payment owed by the railroad under this subsection, the matter shall be referred to the Commission for decision. The Commission, upon investigation, shall decide the issue within ninety days following the date of referral, and its decision shall be binding on both parties. If any railroad company which operates intercity passenger service not under contract with the Corporation notifies the Corporation and railroads which have entered into the agreement specified above that it will accept the terms of the system-wide schedule of terms and the compensation specified in the agreements, such railroad company shall be reimbursed for services to railroad employees in accordance with the agreements. As used in this subsection, the term 'railroad employee' means (1) an active full-time employee, including any such employee during a period of furlough or while on leave of absence, of a railroad or terminal company, (2) a retired employee of a railroad or terminal company, and (3) the dependents of any employee referred to in clause (1) or (2) of this sentence.".

SEC. 9. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601) is amended to read as follows: 84 Stat. 1338.

"SEC. 601. FEDERAL GRANTS.

"(a) There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000, and in subsequent fiscal years a total of $225,000,000, these amounts to remain available until expended, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in— Appropriation.

"(1) the initial organization and operation of the Corporation;

"(2) the establishment of improved reservations systems and advertising;

"(3) servicing, maintenance, repair, and rehabilitation of railroad passenger equipment;

"(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

"(5) the development and demonstration of improved rolling stock;

"(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads;

"(7) the purchase or lease by the Corporation of railroad rolling stock; and

"(8) other corporate purposes.

"(b) There is authorized to be appropriated to the Secretary $2,000,000 annually, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in the development and operation of international rail passenger services between the United States and Canada and between the United States and Mexico. Such international rail passenger services shall include intercity rail passenger service between points within the United States and— Appropriation.

"(1) Montreal, Canada;

"(2) Vancouver, Canada; and

"(3) Nuevo Laredo, Mexico.

For the purposes of section 404(b) of this Act, international rail passenger services provided under this subsection shall be deemed to be included within the basic system.". 45 USC 564.

SEC. 10. (a) Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602) is amended to read as follows:

"SEC. 602. GUARANTEE OF LOANS.

"(a) The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal and interest on securities, obligations, or loans (including refinancings thereof) issued to finance the upgrading of roadbeds and the purchase 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 of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance.

"(b) All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

"(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, and all other terms of the securities, obligations, or loans and of the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed security, obligation, or loan, except for fraud or material misrepresentation on the part of such holder.

"(d) The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time which are guaranteed by the Secretary under this section—

"(1) may not exceed $150,000,000 before July 1, 1973, and

"(2) may not exceed $200,000,000 after June 30, 1973.

The Secretary shall prescribe and collect a reasonable annual guaranty fee.

Appropriation.

"(e) There are authorized to be appropriated to the Secretary such amounts, to remain available until expended, as are necessary to discharge all his responsibilities under this section.

"(f) If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under guarantees issued by him under subsection (a) of this section, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations available under subsection (e) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations as acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.".

40 Stat. 288.
31 USC 774.

(b) Section 602 (b), (c), (d), (e), and (f) of the Rail Passenger Service Act of 1970, as amended by subsection (a) of this section shall also apply to guarantees made by the Secretary prior to the enactment of this Act. The amendment of section 602(a) shall not affect the legality of guarantees made by the Secretary prior to the enactment of this Act, but such guarantees shall continue in effect until discharged by payment of the loan guaranteed, together with interest, after such date.

Ante, p. 232.

SEC. 11. Section 805 of the Rail Passenger Service Act of 1970 (45 U.S.C. 644) is amended—

84 Stat. 1340.

(1) by inserting "AND CERTAIN RAILROADS" immediately before the period at the end of the section heading; and

(2) by redesignating paragraph (B) of subsection (2) as paragraph (C) and inserting immediately after paragraph (A) the following new paragraph:

GAO audit.

"(B) To the extent the Comptroller General deems necessary in connection with audits as he may make of the financial transactions of the Corporation pursuant to paragraph (A) of this subsection, his representatives shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any railroad with which the Corporation has entered into a contract for the performance of intercity rail passenger service, pertaining to such railroad's financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of such railroad shall remain in the possession and custody of the railroad.".

SEC. 12. Title VIII of the Rail Passenger Service Act of 1970 (45 U.S.C. 641–644) is amended by adding at the end thereof the following new section:

"SEC. 806. REPORT BY SECRETARY OF TRANSPORTATION.

"(a) The Secretary shall, on or before March 15, 1973, transmit to the Congress a comprehensive report on the effectiveness of this Act in achieving and promoting intercity rail passenger service and on the effectiveness of the Corporation in implementing the purposes of this Act. Such report shall include an evaluation by the Secretary of the intercity rail passenger service operations assumed by the Corporation including, but not limited to, adequacy and effectiveness of services, on-time performance, reservations and ticketing, scheduling, equipment, fare structures, routes, and immediate and long-term financial needs.

"(b) In addition to the general evaluation and assessment required under subsection (a) of this section, the report by the Secretary shall include—

"(1) recommendations for the orderly assumption by the Corporation of the operation and control of all aspects of its intercity rail passenger service, including the performance by the Corporation of all full-time functions solely related to the intercity rail passenger service provided by it under this Act;

"(2) an assessment of whether the board of directors of the Corporation adequately and fairly represents the members of the public who utilize intercity rail passenger services and, if necessary, recommendations for appropriate changes in the composition of such board of directors;

"(3) estimates of potential revenues for the Corporation from the transportation of mail and express on intercity passenger trains;

"(4) a detailed analysis of the on-time performance of intercity rail passenger service operations assumed by the Corporation, together with such recommendations as the Secretary may deem advisable to eliminate delays in such intercity rail passenger service operations caused by freight train operations;

"(5) recommendations with respect to the establishment of the optimum intercity rail passenger service system as soon as possible after July 1, 1973, taking into account economic feasibility, requirements as to public convenience and necessity, and the ability of the Corporation to provide adequate service over the total system, which optimum system shall include recommended routes and discontinuances; and

"(6) recommendations with respect to the improvement of tracks and roadbeds on routes over which the Corporation operates intercity passenger trains.

"(c) Such report shall contain such additional recommendations as the Secretary may deem advisable to assist the Corporation in carrying out the purposes of this Act, including recommendations for legislative enactments or administrative actions which would enable the Corporation, after July 1, 1973, to discontinue more rapidly and efficiently those routes which do not meet the criteria recommended by the Secretary for the establishment of the optimum intercity rail passenger service system.

"(d) In carrying out the provisions of this section, the Secretary may use available services and facilities of other departments, agencies, and instrumentalities of the Federal Government with their consent and on a reimbursable basis.

"(e) Departments, agencies, and instrumentalities of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the provisions of this section.".

Effective date.

SEC. 13. The amendments made by this Act shall be effective upon enactment.

Approved June 22, 1972.

Public Law 92-317

June 22, 1972
[H. R. 13034]

AN ACT

To authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

National Bureau of Standards. Certain programs. 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 $5,000,000 for fiscal year 1973, not to exceed $9,000,000 for fiscal year 1974, and not to exceed $10,500,000 for fiscal year 1975 to carry out the purposes of the Fire Research and Safety Act of 1968 (Public Law 90-259; 82 Stat. 34).

15 USC 278f note.

SEC. 2. There is authorized to be appropriated to the Department of Commerce not to exceed $3,000,000 for fiscal year 1973, not to exceed $4,500,000 for fiscal year 1974, and not to exceed $5,500,000 for fiscal year 1975 to carry out the purposes of the Standard Reference Data Act (15 U.S.C. 290-290f; 82 Stat. 339).

SEC. 3. (a) The Act entitled "An Act to establish the National Bureau of Standards", approved March 3, 1901 (31 Stat. 1449), as amended, is further amended by adding the following section:

82 Stat. 35.
15 USC 271 *et seq.*

"SEC. 18. 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."

Teaching authority.
64 Stat. 371.
15 USC 272.

(b) Such Act is further amended by striking the period at the end of paragraph (19) of section 2, by inserting a comma in lieu thereof and by adding the following: "and including the use of National Bureau of Standards scientific or technical personnel for part-time or intermittent teaching and training activities at educational institutions of higher learning as part of and incidental to their official duties and without additional compensation other than that provided by law."

International organizations, service.
15 USC 273.

(c) Such Act is further amended by revising the first sentence of section 3 to read as follows: "The Bureau is authorized to exercise its functions for the Government of the United States and for international organizations of which the United States is a member; for governments of friendly countries; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States or friendly countries engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments: *Provided*, That the exercise of these functions for international organizations, governments of friendly countries and scientific societies, educational institutions, firms, corporations, or individuals therein shall be in coordination with other agencies of the United States Government, in particular the Department of State in respect to foreign entities."

72 Stat. 1711.
15 USC 278d.

(d) Such Act is further amended by deleting in section 14 the figure "$40,000" and substituting in lieu thereof the figure "$75,000".

15 USC 278e.

(e) Such Act is further amended by revising section 15(b) to read as follows:

"(b) the care, maintenance, protection, repair, and alteration of Bureau buildings and other plant facilities, equipment, and property."

Repeal.

(f) That portion of the Act of April 29, 1926 (44 Stat. 356; 40 U.S.C. 14a) which relates to the National Bureau of Standards is hereby repealed.

Approved June 22, 1972.

Public Law 92-318

AN ACT

June 23, 1972
[S. 659]

To amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, 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 "Education Amendments of 1972".

Education Amendments of 1972.

GENERAL PROVISIONS

SEC. 2. (a) As used in this Act—

"Secretary." (1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

"Commissioner." (2) the term "Commissioner" means the Commissioner of Education;

unless the context requires another meaning.

(b) Unless otherwise specified, the redesignation of a section, subsection, or other designation by any amendment in this Act shall include the redesignation of any reference to such section, subsection, or other designation in any Act or regulation, however styled.

Effective dates. (c) (1) Unless otherwise specified, each provision of this Act and each amendment made by this Act shall be effective after June 30, 1972, and with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

(2) Unless otherwise specified, in any case where an amendment made by this Act is to become effective after a date set herein, it shall be effective with the beginning of the day which immediately follows the date after which such amendment is effective.

(3) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1971, such amendment shall be deemed to have been enacted on July 1, 1971.

TITLE I—HIGHER EDUCATION

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

79 Stat. 1219; 82 Stat. 1035. 20 USC 1001. SEC. 101. (a) Section 101 of the Higher Education Act of 1965 is amended by striking out all that follows "authorized to be appropriated" and inserting in lieu thereof the following: "$10,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975.".

Effective date. (b) The amendment made by subsection (a) shall be effective after June 30, 1971.

SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

20 USC 1006-1011. SEC. 102. (a) (1) Sections 106, 107, 108, 109, 110, and 111 of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 107, 108, 109, 110, 111, and 112, respectively. Title I of such Act is amended by inserting after section 105 the following new section:

20 USC 1005.

"SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

"SEC. 106. (a) The Commissioner is authorized to reserve from the sums appropriated pursuant to section 101 for any fiscal year an amount not in excess of 10 per centum of the sums so appropriated for that fiscal year for grants pursuant to subsection (b). *Ante*, p. 236.

"(b)(1) From the sums reserved under subsection (a), the Commissioner is authorized to make grants to, and contracts with, institutions of higher education (and combinations thereof) to assist them in carrying out special programs and projects, consistent with the purposes of this title, which are designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution.

"(2) No grant or contract under this section shall exceed 90 per centum of the cost of the program or project for which application is made.". Limitation.

(2) Section 103(a) of such title I is amended by striking out that part of the language which precedes ", the Commissioner" and by inserting in lieu thereof "From the sums appropriated pursuant to section 101 for any fiscal year which are not reserved under section 106(a)". 79 Stat. 1219. 20 USC 1003.

(b) The amendments made by the second sentence of paragraph (1) of subsection (a) and by paragraph (2) of such subsection shall be effective after June 30, 1972, and then— Effective date provisions.

(1) only with respect to appropriations for title I of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1972; and 20 USC 1001.

(2) only to the extent that the allotment to any State under section 103(a) of such title is not less for any fiscal year than the allotment to that State under such section 103(a) for the fiscal year ending June 30, 1972.

EVALUATION OF ACTIVITIES

SEC. 103. (a) During the period beginning with the date of enactment of this Act and ending July 1, 1974, the National Advisory Council on Extension and Continuing Education, hereafter in this section referred to as the National Advisory Council, shall conduct a review of the programs and projects carried out with assistance under title I of the Higher Education Act of 1965 prior to July 1, 1973. Such review shall include an evaluation of specific programs and projects with a view toward ascertaining which of them show, or have shown, (1) the greatest promise in achieving the purposes of such title, and (2) the greatest return for the resources devoted to them. Such review shall be carried out by direct evaluations by the National Advisory Council, by the use of other agencies, institutions, and groups, and by the use of independent appraisal units. National Advisory Council, authority.

(b) Not later than March 31, 1973, and March 31, 1975, the National Advisory Council shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report on the review conducted pursuant to subsection (a). Such report shall include (1) an evaluation of the program authorized by title I of the Higher Education Act of 1965 and of specific programs and projects assisted through payments under such title, (2) a description and an analysis of programs and projects which are determined to be most successful, and (3) recommendations with respect to the means by which the most successful programs and projects can be expanded and replicated. Report to congressional committees.

Post, p. 326.

(c) Sums appropriated pursuant to section 401(c) of the General Education Provisions Act for the purposes of section 402 of such Act shall be available to carry out the purposes of this section.

PART B—COLLEGE LIBRARY PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

79 Stat. 1224; 82 Stat. 1036. 20 USC 1021.

SEC. 111. (a) (1) Section 201 of the Higher Education Act of 1965 is amended by striking out "and" after "1970," and inserting in lieu thereof "and $18,000,000 for the fiscal year ending June 30, 1972,".

20 USC 1031.

(2) Section 221 of such Act is amended by striking out "and" after "1970," and inserting in lieu thereof "and $12,000,000 for the fiscal year ending June 30, 1972,".

79 Stat. 1224. 20 USC 1021.

(b) (1) Title II of the Higher Education Act of 1965 is amended by striking out "PART A—COLLEGE LIBRARY RESOURCES" and by striking out all of section 201 and inserting in lieu thereof the following:

"COLLEGE LIBRARY PROGRAMS; TRAINING; RESEARCH

"SEC. 201. (a) The Commissioner shall carry out a program of financial assistance—

"(1) to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources, in accordance with part A; and

Infra.

"(2) to assist with and encourage research and training persons in librarianship, including law librarianship, in accordance with part B.

Post, p. 239.

Appropriations.

"(b) For the purpose of making grants under parts A and B, there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1973, $85,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975. Of the sums appropriated pursuant to the preceding sentence for any fiscal year, 70 per centum shall be used for the purposes of part A and 30 per centum shall be used for the purposes of part B, except that the amount available for the purposes of part B for any fiscal year shall not be less than the amount appropriated for such purposes for the fiscal year ending June 30, 1972.

"(c) For the purposes of this title—

"Library resources."

"(1) the term 'library resources' means books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials, including necessary binding; and

"Librarianship."

"(2) the term 'librarianship' means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval and dissemination of information, and reference and research use of library and information resources.

"PART A—COLLEGE LIBRARY RESOURCES".

Basic grants. 20 USC 1022.

(2) (A) The first sentence of section 202 of such title II is amended to read as follows: "From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall make basic grants for the purposes set forth in section 201(a)(1) to institutions of higher education, to combinations of such institutions, to new institutions of higher education in the fiscal year preceding the fiscal year in which students are to be enrolled (in accordance with criteria prescribed by regulation), and other public and private non-

Supra.

profit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal, cooperative basis.".

(B) Section 203 of such title II is amended by striking out that part of the first sentence which precedes "supplemental grants" and inserting in lieu thereof the following: "From that part of the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year which remains after making basic grants pursuant to section 202, and which is not reserved for the purposes of section 204, the Commissioner shall make", and by striking out "section 201" where it appears after "set forth in" and inserting in lieu thereof "section 201(a)(1)". 79 Stat. 1225. 20 USC 1023. *Ante*, p. 238.

(C)(i) Section 204(a)(1) of such title II is amended to read as follows: Special purpose grants. 79 Stat. 1226. 20 USC 1024.

"(1) From the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year, the Commissioner is authorized to reserve not to exceed 25 per centum thereof for the purposes of this section.".

(ii) Section 204(a)(2) of such title II is amended by striking out that part of the first sentence which precedes "may be used to make" and inserting in lieu thereof "Sums reserved pursuant to paragraph (1)".

(iii) Section 204(a)(2) of such title II is further amended by striking out "and" immediately preceding "(C)", and inserting before the period at the end of the first sentence the following: ", and (D) to other public and private nonprofit library institutions which provide library and information services to institutions of higher education on a formal, cooperative basis".

(iv) Section 204(a) of such title II is amended by striking out paragraph (3).

(3)(A) Part B of such title II is amended by striking out sections 221 and 222 and inserting in lieu thereof the following: 20 USC 1031, 1032.

"TRAINING AND RESEARCH PROGRAMS

"SEC. 221. From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall carry out a program of making grants in accordance with sections 222 and 223. Of such amount, 66⅔ per centum shall be available for the purposes of section 222 and 33⅓ per centum shall be available for the purposes of section 223.".

(B) Section 223(a) of such Act is amended to read as follows: 20 USC 1033.

"SEC. 223. (a) The Commissioner is authorized to make grants to institutions of higher education and library organizations or agencies to assist them in training persons in librarianship. Such grants may be used by such institutions, library organizations or agencies (1) to assist in covering the cost of courses of training or study (including short term or regular session institutes) for such persons, (2) for establishing and maintaining fellowships or traineeships with stipends (including allowances for traveling, subsistence, and other expenses) for fellows and others undergoing training and their dependents, not in excess of such maximum amounts as may be prescribed by the Commissioner, and (3) for establishing, developing, or expanding programs of library and information science. Not less than 50 per centum of the grants made under this subsection shall be for the purpose of establishing and maintaining fellowships or traineeships under clause (2).".

(C) Section 223(b) of such Act is amended by inserting after "institution of higher education" the following: "and library organizations or agencies".

79 Stat. 1228.
20 USC 591 note.
Ante, p. 239.
20 USC 1034.

(D) Such part B is further amended by striking out section 225; and sections 223 and 224 of such part, and all references thereto (except those references thereto in section 221 of such part, as amended by subparagraph (A)), are redesignated as sections 222 and 223, respectively.

Effective date.

(b) The amendments made by subsection (a) shall be effective after June 30, 1972, and only with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENT

79 Stat. 1224.
20 USC 1022.

SEC. 112. (a) Section 202 of title II of the Higher Education Act of 1965 is amended by redesignating clauses (c) and (d), and all references thereto, as clauses (2) and (3), respectively, and by striking out clauses (a) and (b) and inserting in lieu thereof the following:

"(1) provides satisfactory assurance that the applicant will expend during the fiscal year for which the basic grant is sought, from funds other than funds received under this part—

"(A) for all library purposes (exclusive of construction), an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is sought under this part, and

"(B) for library resources, an amount not less than the average amount it expended for such resources during the two fiscal years preceding the fiscal year for which assistance is sought under this part,

except that, if the Commissioner determines, in accordance with regulations, that there are special and unusual circumstances which prevent the applicant from making the assurances required by this clause (1), he may waive that requirement for one or both of such assurances;".

(b) (1) The second sentence of such section 202 is amended by striking out "not exceed" and inserting in lieu thereof the following: ", for any fiscal year, be equal to the amount expended by the applicant for library resources during that year from funds other than funds received under this part, except that no basic grant shall exceed".

Ante, p. 239.

(2) Clause (1) of section 203(a) of such title II is amended by striking out that part thereof which follows "section 202" and inserting in lieu thereof a semicolon.

Effective date.

(c) The amendments made by this section shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1971.

INCREASE IN MAXIMUM AMOUNT OF SUPPLEMENTAL GRANTS

20 USC 1023.

SEC. 113. (a) Section 203(a) of the Higher Education Act of 1965 is amended by striking out "$10" and inserting in lieu thereof "$20".

Effective date.

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

AUTHORIZATION OF APPROPRIATIONS FOR COLLEGE AND RESEARCH LIBRARY RESOURCES

79 Stat. 1228; 82 Stat. 1037.
20 USC 1041.

SEC. 114. (a) Section 231 of the Higher Education Act of 1965 is amended by striking out "and the succeeding fiscal year" and inserting in lieu thereof "and $9,000,000 for the fiscal year ending June 30, 1972, $12,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $9,000,000 for the fiscal year ending June 30, 1975".

Effective date.

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

EVALUATION AND REPORT

SEC. 115. (a) Part C of title II of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section: 79 Stat. 1228. 20 USC 1041.

"EVALUATION AND REPORT

"SEC. 232. No later than March 31 of each calendar year the Librarian of the Congress shall transmit to the respective committees of the Congress having legislative jurisdiction over this part and to the respective Committees on Appropriations of the Congress a report evaluating the results and effectiveness of acquisition and cataloging work done under this part, based to the maximum extent practicable on objective measurements, including costs, together with recommendations as to proposed legislative action.". Report to congressional committees.

(b) The amendment made by subsection (a) shall be effective after June 30, 1972. Effective date.

PART C—DEVELOPING INSTITUTIONS; EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

REVISION OF TITLE III (STRENGTHENING DEVELOPING INSTITUTIONS)

SEC. 121. (a) Title III of the Higher Education Act of 1965 is amended to read as follows: 20 USC 1051.

"TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

"AUTHORIZATION

"SEC. 301. (a) The Commissioner shall carry out a program of special assistance to strengthen the academic quality of developing institutions which have the desire and potential to make a substantial contribution to the higher education resources of the Nation but which are struggling for survival and are isolated from the main currents of academic life. Special assistance.

"(b) (1) For the purpose of carrying out this title, there are authorized to be appropriated $120,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Appropriation.

"(2) Of the sums appropriated pursuant to this subsection for any fiscal year, 76 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which plan to award one or more bachelor's degrees during such year.

"(3) The remainder of the sums so appropriated shall be available only for carrying out the provisions of this title with respect to developing institutions which do not plan to award such a degree during such year.

"ELIGIBILITY FOR SPECIAL ASSISTANCE

"SEC. 302. (a) (1) For the purposes of this title, the term 'developing institution' means an institution of higher education in any State which— "Developing institution."

"(A) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or is a junior or community college;

"(B) is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be

reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

"(C) except as is provided in paragraph (2), has met the requirement of clauses (A) and (B) during the five academic years preceding the academic year for which it seeks assistance under this title; and

"(D) meets such other requirements as the Commissioner shall prescribe by regulation, which requirements shall include at least a determination that the institution—

"(i) is making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services; and

"(ii) is, for financial or other reasons, struggling for survival and isolated from the main currents of academic life.

Waiver. "(2) The Commissioner is authorized to waive the requirements set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by institutions located on or near an Indian reservation or a substantial population of Indians if the Commissioner determines such action will increase higher education for Indians, except that such grants may not involve an expenditure of funds in excess of 1.4 per centum of the sums appropriated pursuant to this title for any fiscal year.

Application. "(b) Any institution desiring special assistance under the provisions of this title shall submit an application for eligibility to the Commissioner at such time, in such form, and containing such information, as may be necessary to enable the Commissioner to evaluate the need of the applicant for such assistance and to determine its eligibility to be a developing institution for the purposes of this title. The Commissioner shall approve any application for eligibility under this subsection which indicates that the applicant is a developing institution meeting the requirements set forth in subsection (a).

"Junior or community college." "(c) For the purposes of clause (A) of paragraph (1) of subsection (a) of this section, the term 'junior or community college' means an institution of higher education—

"(1) which does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree);

"(2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and

"(3) which does—

"(A) provide an educational program of not less than two years which is acceptable for full credit toward such a degree, or

"(B) offer a two-year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific, or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Establishment. "SEC. 303. (a) There is hereby established an Advisory Council on Developing Institutions (in this title referred to as the 'Council') consisting of nine members appointed by the Commissioner with the approval of the Secretary.

"(b) The Council shall, with respect to the program authorized by this title, carry out the duties and functions specified by part C of the General Education Provisions Act and, in particular, it shall assist the Commissioner—

Post, p. 326.

"(1) in identifying developing institutions through which the purposes of this title may be achieved; and

"(2) in establishing the priorities and criteria to be used in making grants under section 304(a).

"USES OF FUNDS: COOPERATIVE ARRANGEMENTS, NATIONAL TEACHING FELLOWSHIPS, AND PROFESSORS EMERITUS

"SEC. 304. (a) The Commissioner is authorized to make grants and awards, in accordance with the provisions of this title, for the purpose of strengthening developing institutions. Such grants and awards shall be used solely for the purposes set forth in subsection (b).

Grants and awards.

"(b) Funds appropriated pursuant to section 301(b) shall be available for—

Ante, p. 241.

"(1) grants to institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements between developing institutions and other institutions of higher education, and between developing institutions and other organizations, agencies, and business entities, which show promise as effective measures for strengthening the academic program and the administrative capacity of developing institutions, including such projects and activities as—

"(A) exchange of faculty or students, including arrangements for bringing visiting scholars to developing institutions,

"(B) faculty and administration improvement programs, utilizing training, education (including fellowships leading to advanced degrees), internships, research participation, and other means,

"(C) introduction of new curricula and curricular materials.

"(D) development and operation of cooperative education programs involving alternate periods of academic study and business or public employment, and

"(E) joint use of facilities such as libraries or laboratories, including necessary books, materials, and equipment;

"(2) National Teaching Fellowships to be awarded by the Commissioner to highly qualified graduate students and junior faculty members of institutions of higher education for teaching at developing institutions; and

National Teaching Fellowships.

"(3) Professors Emeritus Grants to be awarded by the Commissioner to professors retired from active service at institutions of higher education to encourage them to teach or to conduct research at developing institutions.

Professors Emeritus Grants.

"(c)(1) An application for assistance for the purposes described in subsection (b)(1) shall be approved only if it—

Application approval conditions.

"(A) sets forth a program for carrying out one or more of the activities described in subsection (b)(1), and sets forth such policies and procedures for the administration of the program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this title;

"(B) sets forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for the purposes of the activities described in subsection (b)(1), and in no case supplant such funds;

"(C) sets forth policies and procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

"(D) provides for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this title to the applicant; and

"(E) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this title, and for keeping such records and affording such access thereto, as he may find necessary to assure the correctness and verification of such reports.

The Commissioner shall, after consultation with the Council, establish by regulation criteria as to eligible expenditures for which funds from grants for cooperative arrangements under clause (1) of subsection (b) may be used, which criteria shall be so designed as to prevent the use of such funds for purposes not necessary to the achievement of the purposes for which the grant is made.

"(2)(A) Applications for awards described in clauses (2) and (3) of subsection (b) may be approved only upon a finding by the Commissioner that the program of teaching or research set forth therein is reasonable in the light of the qualifications of the applicant and of the educational needs of the institution at which the applicant intends to teach.

"(B) No application for a National Teaching Fellowship or a Professors Emeritus Grant shall be approved for an award of such a fellowship or grant for a period exceeding two academic years, except that the award of a Professors Emeritus Grant may be for such period, in addition to such two-year period of award, as the Commissioner, upon the advice of the Council, may determine in accordance with policies of the Commissioner set forth in regulations.

Stipend and dependent allowance.

"(C) Each person awarded a National Teaching Fellowship or a Professors Emeritus Grant shall receive a stipend for each academic year of teaching (or, in the case of a recipient of a Professors Emeritus Grant, research) as determined by the Commissioner upon the advice of the Council, plus an additional allowance for each such year for each dependent of such person. In the case of National Teaching Fellowships, such allowance may not exceed $7,500, plus $400 for each dependent.

Limitation.

"ASSISTANCE TO DEVELOPING INSTITUTIONS UNDER OTHER PROGRAMS

Waivers, eligibility.

"SEC. 305. (a) Each institution which the Commissioner determines meets the criteria set forth in section 302(a) shall be eligible for waivers in accordance with subsection (b).

"(b)(1) Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by a developing institution for assistance under any program specified in paragraph (2), the Commissioner is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from institutions which are not developing institutions.

"(2) The provisions of this section shall apply to any program authorized by title II, IV, VI, or VII of this Act.

Ante, p. 238; *Post*, pp. 247, 288.

Non-Federal share requirement.

"(c) The Commissioner shall not waive, under subsection (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 per centum of the appropriations for that program for any fiscal year.

"LIMITATION

"SEC. 306. None of the funds appropriated pursuant to section 301 (b) (1) shall be used for a school or department of divinity or for any religious worship or sectarian activity.".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations made for fiscal years beginning after, June 30, 1972. Effective date.

EMERGENCY ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION

SEC. 122. (a) (1) The Congress hereby finds and declares that—

(A) the Nation's institutions of higher education constitute a national resource which significantly contributes to the security, general welfare, and economy of the United States;

(B) considerable evidence has been advanced which indicates that many institutions of higher education are in financial distress resulting from many causes, including, among others, efforts on the part of such institutions to increase enrollments, to improve the quality of education and training, and to enlarge educational opportunities; and

(C) various proposals have been presented to the Congress, in response to such condition of financial distress, for providing financial assistance to the Nation's institutions of higher education but, except for that necessary to justify payments provided for reimbursement for part of the cost of instruction as provided in title X of this Act, insufficient information is available on the basis of which the Congress can determine, with any degree of certainty, the nature and causes of such financial distress or the most appropriate means with which present and future conditions of financial distress may be dealt. *Post*, p. 375.

(2) It is the purpose of this section to provide to institutions of higher education, which are determined in accordance with this section to be in serious financial distress, interim emergency assistance to enable them to determine the nature and causes of such distress and the means by which such distress may be alleviated, and to improve their capabilities for dealing with financial problems using, to the extent appropriate, assistance authorized under the Higher Education Act of 1965 and all other sources of financial assistance. 79 Stat. 1219. 20 USC 1001 note.

(b) (1) There is authorized to be appropriated for the period beginning with the date of enactment of this Act, and ending June 30, 1974, $40,000,000 for the purpose of making grants under this section. Sums so appropriated shall remain available for obligation and expenditure until expended. Appropriation.

(2) (A) The Commissioner is authorized to make grants to institutions of higher education which are in serious financial distress, as such term is defined in regulations of the Commissioner, in accordance with the provisions of this section. Grants.

(B) A grant under this subsection may be made only upon application therefor to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information, assurances, policies, and procedures as the Commissioner may require in order to enable him to carry out his functions under this section. The Commissioner shall not approve any such application unless he finds that— Applications. Approval conditions.

(i) in the case of a public institution of higher education, the institution has submitted its application for emergency assistance under this subsection to the appropriate State agency, as provided by the law of the State in which it is located and in accordance with regulations of the Commissioner, if any such agency exists

with respect to such State, and such State agency has made a finding, in accordance with criteria established by the Commissioner, that such institution is in serious financial distress and (I) is in need of financial assistance under this section to continue its operation, or (II) will have to discontinue or substantially curtail its academic programs to the detriment of the quality of education available to its students;

(ii) in the case of a nonpublic institution of higher education, the institution either has complied with the procedure set forth in clause (i) for public institutions, or has submitted an application directly to the Commissioner and the Commissioner has determined that the institution meets the condition set forth in either clause (i)(I) or (i)(II), and has submitted a copy to the appropriate State agency, as determined under the law of the State in which it is located and in accordance with regulations of the Commissioner, for comment;

(iii) such institution has developed, adopted, and submitted a plan which the Commissioner determines provides reasonable assurance that, if the institution receives the grant for which it is applying, such institution will be able, during and after the period covered by such grant, to continue the educational services, programs, and activities with respect to which such grant is sought;

(iv) such institution is making a major contribution to the overall higher educational system of the area of the State in which it is located, or of the Nation; and

(v) such institution has included in such application such policies and procedures for the use of funds received under the grant as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity, and as will insure that such funds will be solely used for the purposes for which the grant is made.

(C) An application shall be approved under this subsection only if it includes such information, terms, and conditions as the Commissioner finds necessary and reasonable to enable him to carry out his functions under this section, and as he determines will be in the financial interest of the United States, and the applicant agrees—

(i) to disclose such financial information as the Commissioner determines to be necessary to determine the sources or causes of its financial distress and other information relating to its use of its financial resources;

(ii) to conduct a comprehensive cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, in accordance with uniform standards prescribed by the Commissioner; and

(iii) to consider, and either implement or give adequate reasons in writing for not doing so, any financial or operational reform recommended by the Commissioner for the improvement of its financial condition.

(D) The Commissioner shall not approve an application for a grant under this section without first obtaining the advice and recommendations of a panel of specialists who are not regular, full-time employees of the Federal Government and who are competent to evaluate the applications as to the relative degree of financial distress of the applying institutions.

Definitions.

(c) As used in this section—

(1) the term "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such

State to provide a program of education beyond secondary education, (C) has been in existence for at least five years prior to the date upon which it makes application under this section, (D) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit towards such a degree, (E) is a public or other nonprofit institution, and (F) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution which is accredited, and, for the purpose of this clause, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(2) the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(3) the term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

PART D—STUDENT ASSISTANCE

REVISION OF PART A OF TITLE IV (EDUCATIONAL OPPORTUNITY GRANTS)

SEC. 131. (a)(1)(A) The first sentence of section 401(b) of the Higher Education Act of 1965 is amended by striking out that part which precedes "to enable the Commissioner" and inserting in lieu thereof: "There are hereby authorized to be appropriated $170,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for each of the succeeding fiscal years ending prior to July 1, 1975,". 79 Stat. 1232; 83 Stat. 143. 20 USC 1061. Appropriation.

(B) Section 408 of such Act is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to June 30, 1975". 82 Stat. 1018. 20 USC 1068.

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971. Effective date.

(b)(1) Part A of title IV of such Act is amended to read as follows: 79 Stat. 1232. 20 USC 1061.

"PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

"STATEMENT OF PURPOSE; PROGRAM AUTHORIZATION

"SEC. 401. (a) It is the purpose of this part, to assist in making available the benefits of postsecondary education to qualified students in institutions of higher education by—

"(1) providing basic educational opportunity grants (hereinafter referred to as 'basic grants') to all eligible students;

"(2) providing supplemental educational opportunity grants (hereinafter referred to as 'supplemental grants') to those students of exceptional need who, for lack of such a grant, would be unable to obtain the benefits of a postsecondary education;

"(3) providing for payments to the States to assist them in making financial aid available to such students; and

"(4) providing for special programs and projects designed (A) to identify and encourage qualified youths with financial or cultural need with a potential for postsecondary education, (B) to prepare students from low-income families for postsecondary education, and (C) to provide remedial (including remedial language study) and other services to students.

"(b) The Commissioner shall, in accordance with subparts 1, 2, 3, and 4, carry out programs to achieve the purposes of this part.

"Subpart 1—Basic Educational Opportunity Grants

"BASIC EDUCATIONAL OPPORTUNITY GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS

"SEC. 411. (a) (1) The Commissioner shall, during the period beginning July 1, 1972, and ending June 30, 1975, pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year during which that student is in attendance at that institution, as an undergraduate, a basic grant in the amount for which that student is eligible, as determined pursuant to paragraph (2).

Basic grant formula.

"(2) (A) (i) The amount of the basic grant for a student eligible under this subpart for any academic year shall be $1,400, less an amount equal to the amount determined under paragraph (3) to be the expected family contribution with respect to that student for that year.

Reductions, schedule.

"(ii) In any case where a student attends an institution of higher education on less than a full-time basis during any academic year, the amount of the basic grant to which that student is entitled shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Commissioner for the purposes of this division. Such schedule of reductions shall be established by regulation and published in the Federal Register not later than February 1 of each year.

Publication in Federal Register.

Limitations.

"(B) (i) The amount of a basic grant to which a student is entitled under this subpart for any academic year shall not exceed 50 per centum of the actual cost of attendance at the institution at which the student is in attendance for that year.

"(ii) No basic grant under this subpart shall exceed the difference between the expected family contribution for a student and the actual cost of attendance at the institution at which that student is in attendance. If with respect to any student, it is determined that the amount of a basic grant plus the amount of the expected family contribution for that student exceeds the actual cost of attendance for that year, the amount of the basic grant shall be reduced until the combination of expected family contribution and the amount of the basic grant does not exceed the actual cost of attendance at such institution.

"(iii) No basic grant shall be awarded to a student under this subpart if the amount of that grant for that student as determined under this paragraph for any academic year is less than $200. Pursuant to criteria established by the Commissioner by regulation, the institution of higher education at which a student is in attendance may award a

basic grant of less than $200 upon a determination that the amount of the basic grant for that student is less than $200 because of the requirement of division (i) and that, due to exceptional circumstances, this reduced grant should be made in order to enable the student to benefit from postsecondary education.

"(iv) For the purpose of this subparagraph and subsection (b) the term 'actual cost of attendance' means, subject to regulations of the Commissioner, the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as the Commissioner determines by regulation to be reasonably related to attendance at the institution at which the student is in attendance. "Actual cost of attendance."

"(3)(A)(i) Not later than February 1 of each year the Commissioner shall publish in the Federal Register a schedule of expected family contributions for the succeeding academic year for various levels of family income, which, except as is otherwise provided in division (ii), together with any amendments thereto, shall become effective July 1 of that year. During the thirty-day period following such publication the Commissioner shall provide interested parties with an opportunity to present their views and make recommendations with respect to such schedule. Schedule, publication in Federal Register.

"(ii) The schedule of expected family contributions required by division (i) for each academic year shall be submitted to the President of the Senate and the Speaker of the House of Representatives not later than February 1 of that year. If either the Senate or the House of Representatives adopts, prior to May 1 of such year, a resolution of disapproval of such schedule, the Commissioner shall publish a new schedule of expected family contributions in the Federal Register not later than fifteen days after the adoption of such resolution of disapproval. Such new schedule shall take into consideration such recommendations as may be made in connection with such resolution and shall become effective, together with any amendments thereto, on July 1 of that year. Submittal to Congress. Publication in Federal Register.

"(B)(i) For the purposes of this paragraph and subsection (b), the term 'family contribution' with respect to any student means the amount which the family of that student may be reasonably expected to contribute toward his postsecondary education for the academic year for which the determination under subparagraph (A) of paragraph (2) is made, as determined in accordance with regulations. In promulgating such regulations, the Commissioner shall follow the basic criteria set forth in division (ii) of this subparagraph. "Family contribution."

"(ii) The basic criteria to be followed in promulgating regulations with respect to expected family contribution are as follows: Regulations, criteria.

"(I) The amount of the effective income of the student or the effective family income of the student's family.

"(II) The number of dependents of the family of the student.

"(III) The number of dependents of the student's family who are in attendance in a program of postsecondary education and for whom the family may be reasonably expected to contribute for their postsecondary education.

"(IV) The amount of the assets of the student and those of the student's family.

"(V) Any unusual expenses of the student or his family, such as unusual medical expenses, and those which may arise from a catastrophe.

"(iii) For the purposes of clause (I) of division (ii), the term 'effective family income' with respect to a student means the annual adjusted family income, as determined in accordance with regulations prescribed by the Commissioner, received by the parents or guardian "Effective family income."

of that student (or the person or persons having an equivalent relationship to such student) minus Federal income tax paid or payable with respect to such income.

49 Stat. 620. 42 USC 1305.

"(iv) In determining the expected family contribution with respect to any student, any amount paid under the Social Security Act to, or on account of, the student which would not be paid if he were not a student, and one-half any amount paid the student under chapters 34 and 35 of title 38, United States Code, shall be considered as effective income for such student.

80 Stat. 12; 82 Stat. 1331. 38 USC 1651, 1700.

Regulations.

"(C) The Commissioner shall promulgate special regulations for determining the expected family contribution and effective family income of a student who is determined (pursuant to regulations of the Commissioner) to be independent of his parents or guardians (or the person or persons having an equivalent relationship to such student). Such special regulations shall be consistent with the basic criteria set forth in division (ii) of subparagraph (B).

"(4)(A) The period during which a student may receive basic grants shall be the period required for the completion of the undergraduate course of study being pursued by that student at the institution at which the student is in attendance, except that such period may not exceed four academic years unless—

"(i) the student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years; or

"(ii) the student is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution of such course of study that the student enroll in a noncredit remedial course of study;

in either which case such period may be extended for not more than one additional academic year.

"Noncredit remedial course of study."

"(B) For the purposes of clause (ii) of subparagraph (A), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(b)(1) The Commissioner shall from time to time set dates by which students must file applications for basic grants under this subpart.

"(2) Each student desiring a basic grant for any year must file an application therefor containing such information and assurances as the Commissioner may deem necessary to enable him to carry out his functions and responsibilities under this subpart.

Payments.

"(3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Commissioner for such purpose, in such manner as will best accomplish the purposes of this section.

Insufficient funds, percentage of entitlement due.

"(B)(i) If, during any period of any fiscal year, the funds available for payments under this subpart are insufficient to satisfy fully all entitlements under this subpart, the amount paid with respect to each such entitlement shall be—

"(I) in the case of any entitlement which exceeds $1,000, 75 per centum thereof;

"(II) in the case of any entitlement which exceeds $800 but does not exceed $1,000, 70 per centum thereof;

"(III) in the case of any entitlement which exceeds $600 but does not exceed $800, 65 per centum thereof; and

"(IV) in the case of any entitlement which does not exceed $600, 50 per centum thereof.

Excess funds.

"(ii) If, during any period of any fiscal year, funds available for making payments under this subpart exceed the amount necessary to

make the payments prescribed in division (i), such excess shall be paid with respect to each entitlement under this subpart in proportion to the degree to which that entitlement is unsatisfied, after payments are made pursuant to division (i).

"(iii) In the event that, at the time when payments are to be made pursuant to this subparagraph (B), funds available therefor are insufficient to pay the amounts set forth in division (i), the Commissioner shall pay with respect to each entitlement an amount which bears the same ratio to the appropriate amount set forth in division (i) as the total amount of funds so available at such time for such payments bears to the amount necessary to pay the amounts indicated in division (i) in full.

"(iv) No method of computing or manner of distribution of payments under this subpart shall be used which is not consistent with this subparagraph.

"(v) In no case shall a payment under this subparagraph be made if the amount of such payment after application of the provisions of this subparagraph is less than $50.

"(C)(i) During any fiscal year in which the provisions of subparagraph (B) apply, a basic grant to any student shall not exceed 50 per centum of the difference between the expected family contribution for that student and the actual cost of attendance at the institution in which the student is enrolled, unless sums available for making payments under this subsection for any fiscal year equal more than 75 per centum of the total amount to which all students are entitled under this subpart for that fiscal year, in which case no basic grant shall exceed 60 per centum of such difference. Limitations.

"(ii) The limitation set forth in division (i) shall, when applicable, be in lieu of the limitation set forth in subparagraph (B)(i) of subsection (a)(2).

"(4) No payments may be made on the basis of entitlements established under this subpart during any fiscal year ending prior to July 1, 1975, in which—

"(A) the appropriation for making grants under subpart 2 of this part does not at least equal $130,093,000; and

"(B) the appropriation for work-study payments under section 441 of this title does not at least equal $237,400,000; and

"(C) the appropriation for capital contributions to student loan funds under part E of this title does not at least equal $286,000,000. Post, p. 273.

"Subpart 2—Supplemental Educational Opportunity Grants

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 413A. (a) It is the purpose of this subpart to provide, through institutions of higher education, supplemental grants to assist in making available the benefits of postsecondary education to qualified students who, for lack of financial means, would be unable to obtain such benefits without such a grant.

"(b)(1) For the purpose of enabling the Commissioner to make payments to institutions of higher education which have made agreements with the Commissioner in accordance with section 413C(b), for use by such institutions for payments to undergraduate students for the initial academic year of a supplemental grant awarded to them under this subpart, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (2).

"(2) In addition to the sums authorized to be appropriated by paragraph (1), there are authorized to be appropriated such sums as may be necessary for payment to institutions of higher education for use by such institutions for making continuing supplemental grants under this subpart, except that no appropriation may be made pursuant to this paragraph for any fiscal year beginning more than three years after the last fiscal year for which an appropriation is authorized under paragraph (1). Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (1).

"(3) Sums appropriated pursuant to this subsection for any fiscal year shall be available for payments to institutions until the end of the fiscal year succeeding the fiscal year for which they were appropriated.

Initial year payment provisions.

"(4) For the purposes of this subsection, payment for the first year of a supplemental grant shall not be considered as an initial year payment if the grant was awarded for the continuing education of a student who—

"(A) had been previously awarded a supplemental grant under this subpart (whether by another institution or otherwise), and

"(B) had received payment for any year of that supplemental grant.

"AMOUNT AND DURATION OF GRANTS

"SEC. 413B. (a)(1) From the funds received by it for such purpose under this subpart, an institution which awards a supplemental grant to a student for an academic year under this subpart shall, for such year, pay to that student an amount determined pursuant to paragraph (2).

"(2)(A)(i) The amount of the payment to any student pursuant to paragraph (1) shall be equal to the amount determined by the institution to be needed by that student to enable him to pursue a course of study at the institution, except that such amount shall not exceed—

Limitation.

"(I) $1,500, or

"(II) one-half the sum of the total amount of student financial aid provided to such student by such institution,

whichever is the lesser.

"(ii) No student shall be paid during all the academic years he is pursuing his undergraduate course of study at one or more institutions of higher education in excess of $4,000 or in the case of any student to whom the provisions of subsection (b)(1)(B) apply, $5,000.

"Student financial aid."

"(iii) For the purposes of clause (II) of division (i), the term 'student financial aid' includes assistance payments to the student under subpart 1 of this part and parts C and E of this title, and any assistance provided to a student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations, shall be deemed to be aid provided such student by the institution.

Ante, p. 248; *Post*, pp. 271, 273.

"(B) If the amount determined under division (i) of subparagraph (A) with respect to a student for any academic year is less than $200, no payment shall be made to that student for that year.

Basic criteria and schedules.

"(C) Subject to subparagraphs (A) and (B), the Commissioner shall prescribe, for the guidance of institutions, basic criteria and schedules for the determination of the amount of need to be determined under division (i) of subparagraph (A). Such criteria and schedules shall take into consideration the objective of limiting assistance under this subpart to students of financial need, and such other factors related to determining the need of students for financial assistance as the Commissioner deems relevant but such criteria or schedules shall not disqualify an applicant on account of his earned income if income from other sources in the amount of such earned income would not disqualify him.

"(b)(1)(A) A student eligible for a supplemental grant may be awarded such a grant under this subpart for each academic year of the period required for completion by the recipient of his undergraduate course of study in the institution of higher education from which he received such grant.

Five-year programs.

"(B) A student may not receive supplemental grants under this subpart for a period of more than four academic years, except that in the case of a student—

"(i) who is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years, or

"(ii) who is because of his particular circumstances determined by the institution to need an additional year to complete a course of study normally requiring four academic years,

such period may be extended for not more than one additional academic year.

Academic and attendance standards.

"(2) A supplemental grant awarded under this subpart shall entitle the student to whom it is awarded to payments pursuant to such grant only if—

"(A) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution awarding the grant, and

"(B) that student is devoting at least half-time to that course of study, during the academic year, in attendance at that institution.

Nonattendance.

Failure to be in attendance at the institution during vacation periods or periods of military service, or during other periods during which the Commissioner determines, in accordance with regulations, that there is good cause for his nonattendance, shall not render a student ineligible for a supplemental grant; but no payments may be made to a student during any such period of failure to be in attendance or period of nonattendance.

"SELECTION OF RECIPIENTS; AGREEMENTS WITH INSTITUTIONS

Eligibility requirements.

"SEC. 413C. (a)(1) An individual shall be eligible for the award of a supplemental grant under this subpart by an institution of higher education which has made an agreement with the Commissioner pursuant to subsection (b), if the individual makes application at the time and in the manner prescribed by that institution, in accordance with regulations of the Commissioner.

"(2) From among those who are eligible for supplemental grants through an institution which has an agreement with the Commissioner under subsection (b) for each fiscal year, the institution shall, in accordance with such agreement under subsection (b), and within the amount allocated to the institution for that purpose for that year under section 413D(b) select individuals who are to be awarded such grants and determine, in accordance with section 413B, the amounts to be paid to them. An institution shall not award a supplemental grant to an individual unless it determines that—

"(A) he has been accepted for enrollment as an undergraduate student at such institution or, in the case of a student already attending such institution, is in good standing there as an undergraduate;

"(B) he shows evidence of academic or creative promise and capability of maintaining good standing in this course of study;

"(C) he is of exceptional financial need; and

"(D) he would not, but for a supplemental grant, be financially able to pursue a course of study at such institution.

For the purposes of clause (C) of this paragraph, in determining financial need, the expected family contribution shall be considered to be the contribution expected in the specific circumstances of the student as determined by the student financial aid officer at the institution in accordance with criteria promulgated by the Commissioner. Any calculation of the ability of a family to contribute shall include consideration of (i) family assets which should reasonably be available for such purpose, (ii) the number of children in the family, (iii) the number of children attending institutions of higher education, (iv) any catastrophic illness in the family, (v) any educational expenses of other dependent children in the family, and (vi) other circumstances affecting the student's financial need.

Institutional agreement provisions.

"(b) An institution of higher education which desires to obtain funds for supplemental grants under this subpart shall enter into an agreement with the Commissioner. Such agreement shall—

"(1) provide that funds received by the institution under this subpart will be used by it solely for the purposes specified in, and in accordance with, the provisions of this subpart and of section 463;

Post, p. 274.

"(2) provide that, in determining whether an individual meets the requirements of clause (C) of paragraph (2) of subsection (a), the institution will—

"(A) consider the source of such individual's income and that of any individual or individuals upon whom he relies primarily for support, and

"(B) make appropriate review of the assets of the student and of such individuals;

"(3) provide that the institution, in cooperation with other eligible institutions where appropriate, will make vigorous efforts to identify qualified youths of exceptional financial need, and to encourage them to continue their education beyond secondary school through such programs and activities as—

"(A) establishing or strengthening close working relationships with secondary school principals and guidance and counseling personnel, with a view toward motivating students to complete secondary school and to pursue postsecondary school educational opportunities, and

"(B) making, to the extent feasible, conditional commitments for student financial aid by such institution to qualified secondary school students, who but for such grants would be unable to obtain the benefits of higher education, with special emphasis on students enrolled in grade 11 or lower grades who show evidences of academic or creative promise;

"(4) provide that the institution will meet the requirements of section 464;

Post, p. 275.

"(5) include provisions designed to make grants under this subpart reasonably available, to the extent of available funds, to all eligible students in attendance at the institution;

"(6) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this subpart.

"APPORTIONMENT AND ALLOCATION OF FUNDS

"SEC. 413D. (a) (1) (A) From 90 per centum of the sums appropriated pursuant to section 413A(b) (1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to such sums as the number of persons enrolled full-time and the full-time equivalent of the number of persons enrolled part time in institutions of higher education in such State bears to the total number

of such persons in all the States. The remainder of the sums so appropriated shall be apportioned among the States by the Commissioner in accordance with equitable criteria which he shall establish and which shall be designed to achieve a distribution of the sums so appropriated among the States which will most effectively carry out the purpose of this subpart, except that where any State's apportionment under the first sentence for a fiscal year is less than its allotment under the first sentence of section 401(b) of this Act for the fiscal year ending June 30, 1972, before he makes any other apportionments under this sentence, the Commissioner shall apportion sufficient additional sums to such State under this sentence to make the State's apportionment for that year under this paragraph equal to its allotment for the fiscal year ending June 30, 1972, under such first sentence. Sums apportioned to a State under the preceding sentence shall be consolidated with, and become a part of, its apportionment from the same appropriation under the first sentence of this paragraph.

Ante, p. 247.

Consolidation.

"(B) If the Commissioner determines that the sums apportioned to any State under subparagraph (A) for any fiscal year exceed the aggregate of the amounts that he determines to be required under subsection (b) for that fiscal year for institutions of higher education in that State, the Commissioner shall reapportion such excess, from time to time, on such date or dates as he shall fix, to other States in such manner as the Commissioner determines will best assist in achieving the purposes of this subpart.

Excess, reapportionment.

"(2) Sums appropriated pursuant to section 413A(b)(2) for any fiscal year shall be apportioned among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"(b)(1)(A) The Commissioner shall, from time to time, set dates before which institutions in any State must file applications for allocation, to such institutions, of supplemental grant funds from the apportionment to that State (including any reapportionment thereto) for any fiscal year pursuant to subsection (a)(1).

"(B)(i) From the sums apportioned (or reapportioned) to any State, the Commissioner shall allocate amounts to institutions which have submitted applications pursuant to subparagraph (A).

"(ii) Allocations under division (i) by the Commissioner to such institutions shall be made in accordance with equitable criteria established by the Commissioner by regulation. Such criteria shall be designed to achieve such distribution of supplemental grant funds among such institutions within a State as will most effectively carry out the purposes of this subpart.

"(2) The Commissioner shall, in accordance with regulations, allocate to such institutions in any State, from funds apportioned or reapportioned pursuant to subsection (a)(2), funds to be used as the supplemental grants specified in section 413A(b)(2).

"(3) Payments shall be made from allocations under this subsection as needed.

"Subpart 3—Grants to States for State Student Incentives

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 415A. (a) It is the purpose of this subpart to make incentive grants available to the States to assist them in providing grants to eligible students in attendance at institutions of higher education.

"(b)(1) There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for payments to the States for grants to students who have not previously been awarded such grants.

"(2) In addition to the sums authorized to be appropriated pursuant to paragraph (1), there is authorized to be appropriated such sums as may be necessary for making payments to States to continue their grants to students made with incentive grants received by such States for previous years pursuant to paragraph (1).

"(3) Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for payments to States for the award of student grants under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.

"(4) For the purposes of this subsection, a payment on the first year of a student grant with respect to any student who has not been awarded a grant from appropriations pursuant to paragraph (1) during any previous year shall be considered, subject to regulations of the Commissioner, an initial award to be paid from appropriations pursuant to paragraph (1).

"ALLOTMENT AMONG STATES

"SEC. 415B. (a) (1) (A) From the sums appropriated pursuant to section 415A(b)(1) for any fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the number of students in attendance at institutions of higher education in such State bears to the total number of such students in such attendance in all the States.

"(B) For the purposes of this paragraph, the number of students in attendance at institutions of higher education in a State and in all the States shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

"(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for the State student grant incentive program of that State shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under such part for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year for carrying out the State plan; 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 part during a year from funds appropriated pursuant to section 415A(b)(1) shall be deemed part of its allotment under paragraph (1) for such year.

"(b) Sums appropriated pursuant to section 415A(b)(2) for any fiscal year shall be allotted among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"(c) The Commissioner shall make payments for continuing incentive grants only to those States which continue to meet the requirements of section 415C(b) (1), (2), (3), and (5).

"APPLICATIONS FOR STATE STUDENT INCENTIVE GRANT PROGRAMS

"SEC. 415C. (a) A State which desires to obtain a payment under this subpart for any fiscal year shall submit an application therefor through the State agency administering its program of student grants, at such time or times, and containing such information as may be required by, or pursuant to, regulation for the purpose of enabling the Commissioner to make the determinations required under this subpart.

"(b) From a State's allotment under this subpart for any fiscal year the Commissioner is authorized to make payments to such State for paying 50 per centum of the amount of student grants pursuant to a State program which—

"(1) is administered by a single State agency;

"(2) provides that such grants will be in amounts not in excess of $1,500 per academic year for attendance on a full-time basis as an undergraduate at an institution of higher education;

"(3) provides for the selection of recipients of such grants on the basis of substantial financial need determined annually on the basis of criteria established by the State and approved by the Commissioner;

"(4) provides for the payment of the non-Federal portion of such grants from funds supplied by such State which represent an additional expenditure for such year by such State for grants for students attending institutions of higher education over the amount expended by such State for such grants, if any, during the second fiscal year preceding the fiscal year in which such State initially received funds under this subpart; and

"(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State agency under this subpart, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this subpart.

"(c) Upon his approval of any application for a payment under this subpart, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such payment, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the student incentive grants covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of the student grants with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

"ADMINISTRATION OF STATE PROGRAMS; JUDICIAL REVIEW

"SEC. 415D. (a)(1) The Commissioner shall not finally disapprove any application for a State program submitted under section 415C, or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State program approved under this subpart, finds— Noncompliance, notification.

"(A) that the State program has been so changed that it no longer complies with the provisions of this subpart, or

"(B) that in the administration of the program there is a failure to comply substantially with any such provisions,

the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this subpart until he is satisfied that there is no longer any such failure to comply.

Appeal.

"(b)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State program submitted under this subpart or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

Fact findings, modification.

"(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 certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

Jurisdiction.

"(3) 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 title 28, United States Code, section 1254.

62 Stat. 928.

"Subpart 4—Special Programs for Students From Disadvantaged Backgrounds

"PROGRAM AUTHORIZATION

"SEC. 417A. (a) The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education.

Appropriation.

"(b) For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"AUTHORIZED ACTIVITIES

Grants and contracts.

"SEC. 417B. (a) The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the States one or more of the services described in section 417A(a).

"(b) Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation or who may be physically handicapped, to enter, continue, or resume a program of postsecondary education, including—

"Talent Search."

"(1) programs, to be known as 'Talent Search', designed to—

"(A) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training,

"(B) publicize existing forms of student financial aid, including aid furnished under this title, and

"(C) encourage secondary-school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary-school programs;

"(2) programs, to be known as 'Upward Bound', (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program; "Upward Bound."

"(3) programs, to be known as 'Special Services for Disadvantaged Students', of remedial and other special services for students with academic potential (A) who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and (B) who, by reason of deprived educational, cultural, or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education; and "Special Services for Disadvantaged Students."

"(4) a program of paying up to 75 per centum of the cost of establishing and operating Educational Opportunity Centers which— Educational Opportunity Centers.

"(A) serve areas with major concentrations of low-income populations by providing, in coordination with other applicable programs and services—

"(i) information with respect to financial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education;

"(ii) assistance to such persons in applying for admission to institutions, at which a program of postsecondary education is offered, including preparing necessary applications for use by admission and financial aid officers; and

"(iii) counseling services and tutorial and other necessary assistance to such persons while attending such institutions; and

"(B) serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons.

The portion of the cost of any project assisted under clause (4) in the preceding sentence which is borne by the applicant shall represent an increase in expenditure by such applicant for the purposes of such project.

"(c) Enrollees who are participating on an essentially full-time basis in one or more services being provided under this section may be paid stipends, but not in excess of $30 per month except in exceptional cases as determined by the Commissioner.". Enrollees, stipend, limitation.

(2) The amendment made by paragraph (1) shall be effective after June 30, 1972. Effective date.

(c) Section 461 of the Higher Education Act of 1965 is amended by striking out subsection (b) thereof and inserting in lieu thereof the following: 82 Stat. 1032; *Post*, p. 272. 20 USC 1088.

"(b)(1) For the purposes of this title, except part B, the term 'institution of higher education' includes any school of nursing; and any proprietary institution of higher education which has an agreement with the Commissioner containing such terms and conditions "Institution of higher education."

as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this title has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

Definitions.

"(2) For the purposes of this subsection:

"(A) The term 'school of nursing' means a public or other nonprofit collegiate or associate degree school of nursing.

"(B) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(C) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(D) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner.

"(3) For the purposes of this subsection, the term 'proprietary institution of higher education' means a school (A) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (B) which meets the requirements of clauses (1) and (2) of section 1201(a), (C) which does not meet the requirement of section clause (4) of section 1201(a), (D) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (E) which has been in existence for at least two years. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

79 Stat. 1269; 82 Stat. 1049. 20 USC 1141.

"(c) For the purposes of this title—

"(1) the term 'academic year' shall be defined by the Commissioner by regulations; and

"(2) the term 'in attendance', when applied to a student, means a student who attends an institution of higher education at least on a half-time basis, as defined by the Commissioner by regulation.".

84 Stat. 192.

(d) (1) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"School or department of divinity."

"(l) The term 'school or department of divinity' means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.".

20 USC 1001 note.

(2) The Higher Education Act of 1965 is amended by striking out the following provisions:

20 USC 1027. (A) The second sentence of section 113;

20 USC 1116. (B) The second sentence of section 207;

20 USC 1129. (C) The second sentence of section 526;

82 Stat. 1046. 20 USC 1134j. (D) The second sentence of section 609; and

(E) The second sentence of section 923.

INSURED STUDENT LOANS—EXTENSION OF PROGRAM

SEC. 132. (a) (1) The first sentence of section 424(a) of the Higher Education Act of 1965 is amended to read as follows: "The total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 435) to students covered by Federal loan insurance under this part shall not exceed $1,400,000,000 for the fiscal year ending June 30, 1972, $1,600,000,000 for the fiscal year ending June 30, 1973, $1,800,000,000 for the fiscal year ending June 30, 1974, and $2,000,000,000 for the fiscal year ending June 30, 1975." 79 Stat. 1237; 82 Stat. 1020. 20 USC 1074. 20 USC 1085.

(2) Such section 424(a) is further amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1979".

(b) Paragraph (4) of section 428(a) of such Act is amended (1) by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1975" and (2) by striking out "shall end at the close of June 30, 1975" and inserting in lieu thereof "shall end at the close of June 30, 1979". 20 USC 1078.

(c) Section 433(c) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975". 82 Stat. 1024. 20 USC 1083.

(d) The amendments made by this section shall be effective after June 30, 1971. Effective date.

INCREASE IN LOAN LIMITATION IN EXCEPTIONAL CASES

SEC. 132A. (a) (1) Section 425(a) of the Higher Education Act of 1965 is amended by striking out "$1,500" and inserting in lieu thereof the following: "$2,500, except in cases where the Commissioner determines, pursuant to regulations prescribed by him, that a higher amount is warranted in order to carry out the purposes of this part with respect to students engaged in specialized training requiring exceptionally high costs of education". 79 Stat. 1238. 20 USC 1075.

(2) The second sentence of section 425(a) of such Act is amended by inserting before the period a comma and the following: "in the case of any student who has not successfully completed a program of undergraduate education, and $10,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner and including any loans which are insured by the Commissioner under this part or by a State or nonprofit institution or organization with which the Commissioner has an agreement under section 428(b) made to such person before he became a graduate or professional student)". 82 Stat. 1027.

(b) (1) Section 428(b) (1) (A) of such Act is amended (1) by striking out "$1,500" and inserting in lieu thereof the following: "$2,500, except in those cases where the Commissioner determines, pursuant to regulations prescribed by him, that a higher amount is warranted in order to carry out the purposes of this part with respect to students engaged in specialized training requiring exceptionally high costs of education)". 79 Stat. 1240. 20 USC 1078.

(2) Section 428(b) (1) (a) of such Act is further amended by inserting before the semicolon the following: "in the case of any student who has successfully completed a program of undergraduate education, and $10,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner and including any loans which are insured by the Commissioner under this part or by a State or nonprofit institution or organization with which the Commissioner has an agreement under this part made to such person before he became a graduate or professional student).". 82 Stat. 1027.

(c) The amendments made by subsections (a) and (b) shall be effective with respect to loans made after the enactment of this Act, Effective date.

and insured by the Commissioner under part B of title IV of the Higher Education Act of 1965, or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b) of such part.

79 Stat. 1236.
20 USC 1071.
Ante, p. 261.

INSURANCE LIABILITY

SEC. 132B. (a) Section 425(b) of the Higher Education Act of 1965 is amended to read as follows:

79 Stat. 1238.
20 USC 1075.

"(b) The insurance liability on any loan insured by the Commissioner under this part shall be 100 per centum of the unpaid balance of the principal amount of the loan plus interest. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under the provisions of section 430 or 437 of this part.".

20 USC 1080, 1087.

(b) Section 427(a)(2)(D) of such Act is amended by striking out the following: "(but without thereby increasing the insurance liability under this part)".

20 USC 1077.

(c) The last sentence of section 430(a) of such Act is amended by striking out "of the loan (other than interest added to principal)" and inserting in lieu thereof the following: "and interest".

20 USC 1080.

AMENDMENTS TO INTEREST SUBSIDY PROVISIONS

SEC. 132C. (a) Section 428(a)(1) of the Higher Education Act of 1965 is amended to read as follows:

20 USC 1078.

"(1) Each student who has received a loan for study at an eligible institution—

"(A) which is insured by the Commissioner under this part;

"(B) which was made under a State student loan program (meeting criteria prescribed by the Commissioner), and which was contracted for, and paid to the student, within the period specified by paragraph (4); or

Ante, p. 261.

"(C) which is insured under a program of a State or of a nonprofit private institution or organization which was contracted for, and paid to the student, within the period specified in paragraph (4), and which—

"(i) in the case of a loan insured prior to July 1, 1967, was made by an eligible lender and is insured under a program which meets the requirements of subparagraph (E) of subsection (b)(1) and provides that repayment of such loan shall be in installments beginning not earlier than sixty days after the student ceases to pursue a course of study (as described in subparagraph (D) of subsection (b)(1)) at an eligible institution, or

"(ii) in the case of a loan insured after June 30, 1967, is insured under a program covered by an agreement made pursuant to subsection (b),

shall be entitled to have paid on his behalf and for his account to the holder of the loan a portion of the interest on such loan (in accordance with paragraph (2) of this subsection) only if at the time of execution of the note or written agreement evidencing such loan his adjusted family income is—

"(I) less than $15,000 and the eligible institution at which he has been accepted for enrollment or, in the case of a student who is attending such an institution, at which he is in good standing (as determined by such institution)—

"(α) has determined the amount of need for such loan by subtracting from the estimated cost of his attendance at such

institution (which, for purposes of this paragraph, means the cost, for the period for which the loan is sought, of tuition, fees, room and board, and reasonable commuting costs) the expected family contribution with respect to such student plus any other resources or student aid reasonably available to such student, and

"(β) has provided the lender with a statement evidencing the determination made under clause (I)(α) of this paragraph and recommending a loan in the amount of such need; or

"(II) equal to or more than $15,000 and the eligible institution at which he has been accepted for enrollment or, in the case of a student who is attending such an institution, at which he is in good standing (as determined by such institution)—

"(α) has determined that he is in need of a loan to attend such institution,

"(β) has determined the amount of such need by subtracting from the estimated cost of attendance at such institution the expected family contribution with respect to such student plus any other resources or student aid reasonably available to such student, and

"(γ) has provided the lender with a statement evidencing the determination made under clause (II)(β) of this paragraph and recommending a loan in the amount of such need.

In addition, the Commissioner shall pay an administrative cost allowance in the amount established by paragraph (2)(B) of this subsection with respect to loans to any student without regard to the borrower's need. For the purposes of this paragraph, the adjusted family income of a student shall be determined pursuant to regulations of the Commissioner in effect at the time of the execution of the note or written agreement evidencing the loan. Such regulations shall provide for taking into account such factors, including family size, as the Commissioner deems appropriate. In the absence of fraud by the lender, such determination of the need of a student under this paragraph shall be final insofar as it concerns the obligation of the Commissioner to pay the holder of a loan a portion of the interest on the loan.". Administrative cost allowance, payment.

(b) Section 428(b)(1)(H) of such Act is amended to read as follows: 79 Stat. 1242. 20 USC 1078.

"(H) provides that the benefits of the loan insurance program will not be denied any student who has been determined (pursuant to section 428(a)(1)) to be in need of a loan except in the case of loans made by an instrumentality of a State or eligible institution;". *Ante*, p. 262.

(c) Section 427(a)(1) of such Act is amended by striking out ", and (C) has provided the lender with a statement of the institution which sets forth a schedule of the tuition and fees applicable to that student and its estimate of the cost of board and room for such a student". 20 USC 1077.

TECHNICAL AMENDMENTS

SEC. 132D. Section 437 of such Act is amended to read as follows: 82 Stat. 1020. 20 USC 1087.

"REPAYMENT BY THE COMMISSIONER OF LOANS OF DECEASED OR DISABLED BORROWERS

"SEC. 437. If a student borrower who has received a loan described in clause (A), (B), or (C) of section 428(a)(1) dies or becomes permanently and totally disabled (as determined in accordance with *Ante*, p. 262.

regulations of the Commissioner), then the Commissioner shall discharge the borrower's liability on the loan by repaying the amount owed on the loan.".

79 Stat. 1242; 82 Stat. 1027. 20 USC 1078.

(b) Paragraph (1) of section 428(b) is amended (1) by striking out "and" at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid during any period (i) during which the borrower is pursuing a full-time course of study at an eligible institution, (ii) not in excess of three years during which the borrower is a member of the Armed Forces of the United States, (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, or (iv) not in excess of three years during which the borrower is in service as a full-time volunteer under title VIII of the Economic Opportunity Act of 1964."

81 Stat. 722. 42 USC 2991.

(c) Section 428(e) of such Act is repealed.

Repeal. 82 Stat. 1025. 82 Stat. 636. 20 USC 1078.

(d) Paragraph (1) of subsection (c) of such section 428 is amended by striking out "adjusted family income of the borrower" and inserting in lieu thereof "the borrower's lack of need".

79 Stat. 1247; 82 Stat. 1024. 20 USC 1084.

(e) Section 434 of such Act is amended by striking out "up to 15 per centum of their assets,".

ELIGIBILITY OF INSTITUTIONS

SEC. 132E. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

79 Stat. 1236; 82 Stat. 1020. 20 USC 1071.

"ELIGIBILITY OF INSTITUTIONS

Regulations.

"SEC. 438. (a) Notwithstanding any other provision of this part, the Commissioner is authorized to prescribe such regulations as may be necessary to provide for—

Audit.

"(1) a fiscal audit of an eligible institution with regard to any funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

Ante, pp. 261, 263; *Supra*.

"(2) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid with respect to funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(3) the limitation, suspension, or termination of the eligibility under this part of any otherwise eligible institution, whenever the Commissioner has determined, after notice and affording an opportunity for hearing, that such institution has violated or failed to carry out any regulation prescribed under this part.

List of State agencies, publication.

"(b) The Commissioner shall publish a list of State agencies which he determines to be reliable authority as to the quality of public postsecondary vocational education in their respective States for the purpose of determining eligibility for all Federal student assistance programs.".

Effective date.

(b) The amendment made by subsection (a) shall be effective on and after the sixtieth day following the enactment of this Act.

SAVINGS PROVISION

SEC. 132F. The amendments made by sections 132, 132A, 132B, 132C, and 132D, shall not be effective with respect to any loan made after the date of enactment of this Act, in whole or in part, to consolidate or convert a loan made or contracted for prior to its effective date.

STUDENT LOAN MARKETING ASSOCIATION

SEC. 133. (a) Part B of title IV of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section: *Ante*, p. 264.

"STUDENT LOAN MARKETING ASSOCIATION

"SEC. 439. (a) The Congress hereby declares that it is the purpose of this section to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans, insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b), and which will provide liquidity for student loan investments. *Ante*, pp. 261, 263, 264.

"(b)(1) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Offices may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business. Establishment.

"(2) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory, possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed. Tax exemption.

"(3) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare $5,000,000 for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association. Such advances shall bear interest at a rate not less than (A) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advances, adjusted to the nearest one-eighth of 1 per centum, plus (B) an allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses. Repayments of such advances shall be deposited into miscellaneous receipts of the Treasury. Appropriation. Advances, interest.

"(c)(1) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the President. Board of Directors.

"(2) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured

lenders pursuant to this section, seven of whom shall be representative of educational institutions, and seven of whom shall be representative of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(3) When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors, who shall be representative of the general public.

"(4) At the time the events described in paragraph (3) have occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(5) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and shall serve until their successors have been elected and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(6) The Board of Directors shall meet at the call of its Chairman, but at least semiannually. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

Insured student loans, servicing.

"(d)(1) The Association is authorized, subject to the provisions of this section, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b).

Ante, pp. 261, 263, 264.

Limitation.

"(2) Any warehousing advance made under paragraph (1) of this subsection shall not exceed 80 per centum of the face amount of an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

Nondiscrimination.

"(e) The Association, pursuant to such criteria as the Board of Directors may prescribe, shall make advances on security or purchase student loans pursuant to subsection (d) only after the Association is assured that the lender (A) does not discriminate by pattern or practice against any particular class or category of students by requiring that, as a condition to the receipt of a loan, the student or his family maintain a business relationship with the lender, except that this clause shall not apply in the case of a loan made by a credit union, savings and loan association, mutual savings bank, institution of higher education or any other lender with less than $50,000,000 in deposits, and (B) does not discriminate on the basis of race, sex, color, creed, or national origin.

"(f)(1) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under this part, pertaining to guaranteed student loans, who are qualified as insured lenders under this part or who are eligible institutions as defined in section 435(a) (other than an institution outside the United States). Common stock issuance. 82 Stat. 1023. 20 USC 1085.

"(2) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in subsection (c)(3).

"(3) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary of Health, Education, and Welfare, and, as to the Association, only on the books of the Association. The Secretary of Health, Education, and Welfare shall prescribe the maximum number of shares of common stock the Association may issue and have outstanding at any one time.

"(4) To the extent that net income is earned and realized, subject to subsection (g)(2), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividends shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"(g)(1) The Association is authorized, with the approval of the Secretary of Health, Education, and Welfare, to issue nonvoting preferred stock with a par value of $100 per share. Any preferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association. Nonvoting preferred stock, issuance.

"(2) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(3) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"(h)(1) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein. Outstanding obligations.

"(2) The Secretary of Health, Education, and Welfare is authorized, prior to July 1, 1982, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury.

"(3) To enable the Secretary of Health, Education, and Welfare to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury,

taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the months preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There is authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

40 Stat. 288.
31 USC 774.

Appropriation.

Association powers.

"(i) The Association shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

"(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

"(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

Annual audit.

"(j) The accounts of the Association shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants, licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States, except that independent public accountants licensed to practice by such regulatory authority after December 31, 1970, and persons who, although not so certified or licensed, meet, in the opinion of the Secretary, standards of education and experience representative of the highest standards prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the Secretary in appropriate regulations may perform

such audits until December 31, 1975. A report of each such audit shall be furnished to the Secretary of the Treasury. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Association and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

Report to Treasury.

"(k) A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Health, Education, and Welfare and to the Association.

Reports to President and Congress.

"(l) All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Association pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

Lawful investments.

80 Stat. 825. 12 USC 355.

"(m) In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

Preparation and delivery.

Reimbursement.

"(n) The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.".

Report to President and Congress.

(b) If any provision of the amendment made by subsection (a) of this section or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the amendment, and the application of such provisions to other persons or circumstances, shall not be affected.

Separability.

(c)(1) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations or other instruments or securities of the Student Loan Marketing Association," immediately after "or obligations, participation, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(2) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Student Loan Marketing Association shall not be subject to any limitation based upon such capital and surplus.".

78 Stat. 805; 82 Stat. 545, 608.

(3) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), is amended by inserting "or in obligations or other instruments or securities of the Student Loan Marketing Association;" in the second proviso immediately after "any political subdivision thereof".

80 Stat. 167; 81 Stat. 110; 85 Stat. 545.

(4) Section 8(8)(E) of the Federal Credit Union Act, amended (12 U.S.C. 1757(8)(E)), is amended by inserting before the semicolon at the end thereof the following: "or in obligations or other instruments or securities of the Student Loan Marketing Association".

EXTENSION OF THE EMERGENCY INSURED STUDENT LOAN ACT OF 1969

83 Stat. 141. 20 USC 1078a.

SEC. 134. (a) Section 2(a)(7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1974".

Effective date.

(b) The amendment made by subsection (a) shall be effective on and after July 1, 1971.

STATEMENT OF PURPOSE OF THE WORK-STUDY PROGRAM

82 Stat. 1028. 42 USC 2751 and note.

SEC. 135. Section 441(a) of the Higher Education Act of 1965 is amended by striking out "from low-income families" and inserting in lieu thereof "with great financial need".

EXTENSION OF COLLEGE WORK-STUDY PROGRAM

83 Stat. 143.

SEC. 135A. (a) Section 441(b) of the Higher Education Act of 1965 is amended by striking out the word "and" after "June 30, 1970," and by adding after "June 30, 1971," the following: "$330,000,000 for the fiscal year ending June 30, 1972, $360,000,000 for the fiscal year ending June 30, 1973, $390,000,000 for the fiscal year ending June 30, 1974, and $420,000,000 for the fiscal year ending June 30, 1975,".

Effective date.

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

ALLOTMENTS FOR WORK-STUDY PROGRAM

78 Stat. 514; 81 Stat. 726; 82 Stat. 1028, 1029. 42 USC 2752.

SEC. 135B. (a)(1). The first sentence of section 442(a) of the Higher Education Act of 1965 is amended by striking out "The remainder" and inserting in lieu thereof "Ninety per centum of the remainder".

(2) Subsections (c), (d), and (e) of such section are redesignated as subsections (d), (e), and (f), respectively, and such section is amended by inserting after subsection (b) the following new subsection:

"(c) Sums remaining after making the allotments provided for in other provisions of this section shall be allotted among the States by the Commissioner in accordance with equitable criteria established by him which shall be designed to achieve a distribution of the sums appropriated to carry out this part among the States which will most effectively carry out the purpose of this part, except that where a State's allotment under subsection (b) for a fiscal year is less than its allotment under that subsection for the fiscal year ending June 30, 1972, before he makes any other allotments under this subsection, the Commissioner shall allot sufficient additional sums to such State under

this sentence to make the State's allotment for that year under subsection (b) equal to its allotment under such subsection for the fiscal year ending June 30, 1972. Sums allotted to a State under this subsection shall be consolidated with, and become a part of, its allotment from the same appropriation under subsection (b).".

WORK-STUDY PROGRAM—SELECTION OF STUDENTS

SEC. 135C. (a)(1) Clause (3)(A) of section 444(a) of the Higher Education Act of 1965 is amended by inserting immediately after "such institution" the following: "(taking into consideration the actual cost of attendance at such institution)". 82 Stat. 1028, 1029. 42 USC 2754 and note.

(2) The amendment made by subsection (a) shall be effective on and after July 1, 1971, with respect to appropriations for fiscal years beginning on and after July 1, 1971. Effective date.

AUTHORIZING PARTICIPATION OF HALF-TIME STUDENTS IN WORK-STUDY PROGRAM

SEC. 135D. Section 444(a)(3)(C) of the Higher Education Act of 1965 is amended (1) by striking out "full time" both times it appears, and (2) by inserting after "student at the institution" and after "attendance there" the following: "on at least a half-time basis".

CONDITIONS OF AGREEMENT

SEC. 135E. (a) Section 444(a)(3) of the Higher Education Act of 1965 is amended (1) by striking out "from low-income families" and inserting in lieu thereof the following: "with the greatest financial need, taking into account grant assistance provided such student from any public or private sources", and (2) by amending clause (B) to read as follows: "(B) shows evidence of academic or creative promise and capability of maintaining good standing in such course of study while employed under the program covered by the agreement, and".

(b) Section 444(a) of such Act is amended by striking out clause (4).

WORK-STUDY FOR COMMUNITY SERVICE LEARNING PROGRAM

SEC. 135F. Part C of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section: 42 USC 2751.

"WORK-STUDY FOR COMMUNITY SERVICE LEARNING PROGRAM

"SEC. 447. (a) The purpose of this section is to enable students in eligible institutions who are in need of additional financial support to attend institutions of higher education, with preference given to veterans who served in the Armed Forces in Indochina or Korea after August 5, 1964, to obtain earnings from employment which offers the maximum potential both for effective service to the community and for enhancement of the educational development of such students.

"(b) There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, and $50,000,000 each succeeding fiscal year ending prior to July 1, 1975, to carry out this section through local project grants, without regard to the provisions of section 442. Appropriation. *Ante*, p. 270.

"(c) The Commissioner is authorized to enter into agreements with public or private nonprofit agencies under which the Commissioner will make grants to such agencies to pay the compensation of students who are employed by such agencies in jobs providing needed community services and which are of educational value. Non-profit agencies.

"(d) An agreement entered into under subsection (c) above shall—

"(1) provide for the part-time employment of college students in projects designed to improve community services or solve particular problems in the community;

"(2) provide assurances that preference will be given to veterans who served in the Armed Forces in Indochina or Korea after August 5, 1964, in recruiting students in eligible institutions for jobs under this section, and that the agency, in cooperation with the institution of higher education which the student attends, will make an effort to relate the projects performed by students to their general academic program and to a comprehensive program for college student services to the community;

"(3) conform with the provisions of clauses (1)(A), (1)(B) and (1)(C) of section 444(a), and provide for the selection of students who meet the requirements of clauses (3)(A), (3)(B) and (3)(C) of section 444(a); and

82 Stat. 1028, 1029.
42 USC 2754 and note.
Ante, p. 271.

"(4) include such other provisions as the Commissioner shall deem necessary or appropriate to carry out the purposes of this section, including provisions for oversight by the institution of higher education which the student participating in such a program attends.

"Community service."

"(e) For purposes of this section, the term 'community service' includes, but is not limited to, work in such fields as environmental quality, health care, education, welfare, public safety, crime prevention and control, transportation, recreation, housing and neighborhood improvement, rural development, conservation, beautification, and other fields of human betterment and community improvement.".

COOPERATIVE EDUCATION

82 Stat. 1031.
20 USC 1087a.

SEC. 136. (a)(1) Section 451(a) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) Section 451(b) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b)(1) Section 451(b) of the Higher Education Act of 1965 is amended by inserting after "training" the following: ", demonstration,".

20 USC 1087c.

(2) Section 453 of such Act is amended by inserting immediately before "or for research" the following: "for projects demonstrating or exploring the feasibility or value of innovative methods of cooperative education,".

Effective date.

(c) The amendments made by subsection (a) shall be effective after June 30, 1971.

DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

83 Stat. 143.
20 USC 421.

SEC. 137. (a)(1) Section 201 of the National Defense Education Act of 1958, is amended by inserting "each" after "$375,000,000", and by inserting after "June 30, 1971," the following: "and for the fiscal year ending June 30, 1972,".

Effective date.

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

82 Stat. 1030, 1032.
20 USC 1088-1089.

(b) Title IV of the Higher Education Act of 1965 is amended by striking out part F. Part E and sections 461, 462, 463, 464, and 469 of such title IV, and all references thereto are redesignated as part F

and sections 491, 492, 493, 494, and 499, respectively. Such title IV is further amended by inserting after part D the following new parts: 82 Stat. 1031. 20 USC 1087a.

"PART E—DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"APPROPRIATIONS AUTHORIZED

"SEC. 461. (a) The Commissioner shall carry out a program of stimulating and assisting in the establishment and maintenance of funds at institutions of higher education for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions.

"(b)(1) For the purpose of enabling the Commissioner to make contributions to student loan funds established under this part, there are hereby authorized to be appropriated $375,000,000 for the fiscal year ending June 30, 1972, and $400,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) In addition there are hereby authorized to be appropriated such sums for the fiscal year ending June 30, 1976, and each of the three succeeding fiscal years as may be necessary to enable students who have received loans for academic years ending prior to July 1, 1975, to continue or complete courses of study.

"(c) Any sums appropriated pursuant to subsection (b) for any fiscal year shall be available for apportionment pursuant to section 462 and for payments of Federal capital contributions therefrom to institutions of higher education which have agreements with the Commissioner under section 463. Such Federal capital contributions and all contributions from such institutions shall be used for the establishment, expansion, and maintenance of student loan funds.

"APPORTIONMENT OF APPROPRIATIONS

"SEC. 462. (a)(1) From 90 per centum of the sums appropriated pursuant to section 461(b)(1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in institutions of higher education, as determined by the Commissioner for the most recent year for which satisfactory data are available to him, in such State, bears to the total number of persons so enrolled in all the States. The remainder of the sums so appropriated shall be apportioned among the States by the Commissioner in accordance with equitable criteria which he shall establish and which shall be designed to achieve a distribution of the sums so appropriated among the States which will most effectively carry out the purpose of this part, except that where any State's apportionment under the first sentence for a fiscal year is less than its allotment under section 202(a) of the National Defense Education Act of 1958 for the fiscal year ending June 30, 1972, before he makes any other apportionments under this sentence, the Commissioner shall apportion sufficient additional sums to such State under this sentence to make the State's apportionment for that year under this paragraph equal to its allotment for the fiscal year ending June 30, 1972, under such section 202(a). Sums apportioned to a State under the preceding sentence shall be consolidated with, and become a part of, its apportionment from the same appropriation under the first sentence of this paragraph.

72 Stat. 1583; 82 Stat. 1034. 20 USC 422.

"(2) Any sums appropriated pursuant to section 461(b)(2) for any fiscal year shall be apportioned among institutions of higher education in such a manner as the Commissioner determines will best accomplish the purpose for which they were appropriated.

Application.

"(b)(1) Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under section 463 and shall submit an application therefor to the Commissioner, in accordance with the provisions of this part. The Commissioner shall, from time to time, set dates before which such institutions must file applications under this section.

"(2) The Commissioner shall pay to each applicant under this subsection which has an agreement with him under section 463, from the amount apportioned to the State in which it is located, the amount requested in such application. Such payment may be made in such installments as the Commissioner determines will not result in unnecessary accumulations of capital in the student loan fund of the applicant established under its agreement under section 463.

"(c)(1)(A) If the total amount of Federal capital contributions requested in the applications from a State for any fiscal year exceeds the amount apportioned to that State, the request from each institution shall be reduced ratably.

"(B) In case additional amounts become available for payments to student loan funds in a State in which requests have been ratably reduced under subparagraph (A), such requests shall be increased on the same basis as they were reduced, except that no request shall be increased above the request submitted under subsection (b)(1).

"(2) If the amount of an apportionment to a State for any fiscal year exceeds the total amount of Federal capital contributions requested in applications from that State, such excess shall be available for reapportionment from time to time on such date or dates as the Commissioner shall fix. From the aggregate of such excess for any fiscal year, the Commissioner shall reapportion to each State in which requests were reduced under subparagraph (A) of paragraph (1) an amount which bears the same ratio to such aggregate as the total amount of such reduction in that State bears to the total amount of such reductions in all the States.

Limitation.

"(d) The aggregate of the amounts of Federal capital contributions paid under this section for any fiscal year to proprietary institutions of higher education may not exceed the amount by which the sums appropriated pursuant to section 461(b)(1) for that fiscal year exceed $190,000,000.

"AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION

"SEC. 463. (a) An agreement with any institution of higher education for the payment of Federal capital contributions under this part shall—

"(1) provide for the establishment and maintenance of a student loan fund for the purposes of this part;

"(2) provide for the deposit in such fund of—

"(A) the Federal capital contributions,

"(B) a capital contribution by such institution in an amount equal to not less than one-ninth of the amount of such Federal contributions,

"(C) collections of principal and interest on student loans made from such fund,

"(D) charges collected pursuant to regulations under section 464(c)(1)(G), and

"(E) any other earnings of the funds;

"(3) provide that such student loan fund shall be used only for—

"(A) loans to students, in accordance with the provisions of this part,

"(B) administrative expenses, as provided in subsection (b),

"(C) capital distributions, as provided in section 466, and Post, p. 278.

"(D) costs of litigation, and other collection costs agreed to by the Commissioner in connection with the collection of a loan from the fund (and interest thereon) or a charge assessed pursuant to regulations under section 464(c)(1)(G);

"(4) provide that where a note or written agreement evidencing a loan has been in default for at least 2 years despite due diligence on the part of the institution in making collection thereon, the institution may assign its rights under such note or agreement to the United States, without recompense, and that in that event any sums collected on such a loan shall be deposited in the general fund of the Treasury; and

"(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part as are agreed to by the Commissioner and the institution.

"(b) An institution which has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it makes student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in administering its student loan program under this part during such year. Such payment shall be made in accordance with section 493. Ante, p. 272.

"TERMS OF LOANS

"SEC. 464. (a)(1) Loans from any student loan fund established pursuant to an agreement under section 463 to any student by any institution shall, subject to such conditions, limitations, and requirements as the Commissioner shall prescribe by regulation, be made on such terms and conditions as the institution may determine.

"(2) The aggregate of the loans for all years made by institutions of higher education from loan funds established pursuant to agreements under this part may not exceed—

"(A) $10,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner, and including any loans from such funds made to such person before he became a graduate or professional student);

"(B) $5,000 in the case of a student who has successfully completed two years of a program of education leading to a bachelor's degree, but who has not completed the work necessary for such a degree (determined under regulations of the Commissioner, and including any loans from such funds made to such person before he became such a student); and

"(C) $2,500 in the case of any other student.

"(3) Regulations of the Commissioner under paragraph (1) shall be designed to prevent the impairment of the capital of student loan funds to the maximum extent practicable and with a view toward the objective of enabling the student to complete his course of study.

"(b) A loan from a student loan fund assisted under this part may be made only to a student who—

"(1) is in need of the amount of the loan to pursue a course of study at such institution;

"(2) is capable, in the opinion of the institution, of maintaining good standing in such course of study;

"(3) has been accepted for enrollment as an undergraduate, graduate, or professional student in such institution, or, in the case of a student already in attendance at such institution, is in good standing; and

"(4) is carrying at least one-half the normal academic workload, as determined by the institution.

In any case in which a student has been determined to be eligible for a loan under the preceding sentence, and such student thereafter fails to maintain good standing, the eligibility of such student shall, upon notice to the Commissioner, be suspended, and further payments to, or on behalf of, such student shall not be made until such student regains good standing.

"(c)(1) Any agreement between an institution and a student for a loan from a student loan fund assisted under this part—

"(A) shall be evidenced by note or other written instrument which, except as provided in paragraph (2), provides for repayment of the principal amount of the loan, together with interest thereon, in equal installments (or, if the borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Commissioner) payable quarterly, bimonthly, or monthly, at the option of the institution, over a period beginning nine months after the date on which the student ceases to carry, at an institution of higher education or a comparable institution outside the United States approved for this purpose by the Commissioner, at least one-half the normal full-time academic workload, and ending ten years and nine months after such date;

"(B) shall include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the borrower;

"(C) may provide, at the option of the institution in accordance with regulations of the Commissioner, that during the repayment period of the loan, payments of principal and interest by the borrower with respect to all outstanding loans made to him from student loan funds assisted under this part shall be at a rate equal to not less than $30 per month;

"(D) shall provide that the loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum, except that no interest shall accrue (i) prior to the beginning date of repayment determined under clause (A) (i) or (ii) during any period in which repayment is suspended by reason of paragraph (2);

"(E) unless the borrower is a minor and the note or other evidence of obligation executed by him would not, under applicable law, create a binding obligation, shall provide that the loan shall be made without security and without endorsement;

"(F) shall provide that no note or evidence of obligation may be assigned by the lender, except upon the transfer of the borrower to another institution participating under this part (or, if not so participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution; and

"(G) may, pursuant to regulations of the Commissioner, provide for an assessment of a charge with respect to the loan for failure of the borrower (i) to pay all or part of an installment when it is due or (ii) to file timely and satisfactory evidence of an entitlement of the borrower to a deferment of repayment benefit or a cancellation benefit provided under this part.

"(2) (A) No repayment of principal of, or interest on, any loan from a student loan fund assisted under this part shall be required during any period in which the borrower— Repayment, deferral.

"(i) is carrying at least one-half the normal full-time academic workload at an institution of higher education or at a comparable institution outside the United States which is approved for this purpose by the Commissioner;

"(ii) is a member of the Armed Forces of the United States;

"(iii) is in service as a volunteer under the Peace Corps Act; or 75 Stat. 612.

"(iv) is in service as a volunteer under title VIII of the Economic Opportunity Act of 1964. 22 USC 2501 note. 81 Stat. 722. 42 USC 2991.

The period during which repayment may be deferred by reason of clause (ii), (iii), or (iv) shall not exceed three years.

"(B) Any period during which repayment is deferred under subparagraph (A) shall not be included in computing the ten-year maximum period provided for in clause (A) of paragraph (1).

"(3) The Commissioner is authorized, when good cause is shown, to extend, in accordance with regulations, the ten-year maximum repayment period provided for in clause (A) of paragraph (1) with respect to individual loans.

"(4) The amount of any charge under clause (G) of paragraph (1) shall not exceed—

"(A) in the case of a loan which is repayable in monthly installments, $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter; and

"(B) in the case of a loan which has a bimonthly or quarterly repayment interval, $3 and $6, respectively, for each such interval or part thereof by which such installment or evidence is late.

The institution may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the institution not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(d) An agreement under this part for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such fund) to all eligible students in such institutions in need thereof.

"(e) In determining, for purposes of clause (1) of subsection (b) of this section, whether a student who is a veteran (as that term is defined in section 101(2) of title 38, United States Code) is in need, an institution shall not take into account the income and assets of his parents. 72 Stat. 1106.

"CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

"SEC. 465. (a) (1) The per centum specified in paragraph (3) of this subsection of the total amount of any loan made after June 30, 1972, from a student loan fund assisted under this part shall be canceled for each complete year of service after such date by the borrower under circumstances described in paragraph (2).

"(2) Loans shall be canceled under paragraph (1) for service—

"(A) as a full-time teacher for service in an academic year in a public or other nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the 20 USC 241a note.

purposes of this paragraph and for that year has been determined by the Commissioner (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of title I of the Elementary and Secondary Education Act of 1965 (using a low-income factor of $3,000) exceeds 30 per centum of the total enrollment of that school and such determination shall not be made with respect to more than 50 per centum of the total number of schools in the State receiving assistance under such title I;

80 Stat. 1193; 81 Stat. 783, 787. 20 USC 241c.

"(B) as a full-time staff member in a preschool program carried on under section 222(a)(1) of the Economic Opportunity Act of 1964 which is operated for a period which is comparable to a full school year in the locality: *Provided*, That the salary of such staff member is not more than the salary of a comparable employee of the local educational agency, or

81 Stat. 698; 83 Stat. 828. 42 USC 2809.

"(C) as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system; or

"(D) as a member of the Armed Forces of the United States, for service that qualifies for special pay under section 310 of title 37, United States Code, as an area of hostilities.

77 Stat. 216; 79 Stat. 547.

"Handicapped children."

For the purposes of this paragraph, the term 'handicapped children' means children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, or other health-impaired children who by reason thereof require special education.

Loan per centum.

"(3)(A) The per centum of a loan which shall be canceled under paragraph (1) of this subsection is—

"(i) in the case of service described in clause (A), or (C), of paragraph (2), at the rate of 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service;

"(ii) in the case of service described in clause (B) of paragraph (2) at the rate of 15 per centum for each year of such service;

"(iii) in the case of service described in clause (D) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of qualifying service.

"(B) If a portion of a loan is canceled under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be canceled.

"(C) Nothing in this subsection shall be construed to authorize refunding any repayment of a loan.

"Year."

"(4) For the purposes of this subsection, the term 'year' where applied to service as a teacher means academic year as defined by the Commissioner.

"(b) The Commissioner shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of loans from its student loan fund which are canceled pursuant to this section for such year. None of the funds appropriated pursuant to section 461(b) shall be available for payments pursuant to this subsection.

Ante, p. 273.

"DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

"SEC. 466. (a) After June 30, 1980, and not later than December 31, 1980, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of

June 30, 1980, as the total amount of the Federal capital contributions to such fund by the Commissioner under this part bears to the sum of such Federal contributions and the institution's capital contributions to such fund.

"(2) The remainder of such balance shall be paid to the institution.

"(b) After December 31, 1980, each institution with which the Commissioner has made an agreement under this part, shall pay to the Commissioner the same proportionate share of amounts received by the institution after June 30, 1974, in payment of principal and interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the fund or from such payments of principal or interest), as was determined for the Commissioner under subsection (a).

"(c) Upon a finding by the institution or the Commissioner prior to July 1, 1980, that the liquid assets of a student loan fund established pursuant to an agreement under this part exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

"(2) The remainder of the capital distribution shall be paid to the institution.".

(c) In the case of a loan made before July 1, 1972, under title II of the National Defense Education Act of 1958 not to exceed 50 per centum of such loan (1) shall be canceled for service by the borrower as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States at the rate of 10 per centum of the total amount of such loan for each complete academic year of such service, except that (A) such rate shall be 15 per centum for each complete academic year of service as a full-time teacher in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, as amended, and which for purposes of this paragraph and for that year has been determined by the Commissioner (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which there is a high concentration of students from low-income families, except that (unless all of the schools so determined are schools in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of such title (using a low-income factor of $3,000) exceeds 50 per centum of the total enrollment of the school) the Commissioner shall not make such determination with respect to more than 25 per centum of the total of the public and other nonprofit elementary and secondary schools in any one State for any one year, (B) such rate

72 Stat. 1583; *Ante*, p. 272. 20 USC 421.

79 Stat. 27; 80 Stat. 1198. 20 USC 241a note.

80 Stat. 1193; 81 Stat. 783, 787. 20 USC 241c.

shall be 15 per centum for each complete academic year of service as a full-time teacher of handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or other health impaired children who by reason thereof require special education) in a public or other nonprofit elementary or secondary school system, and (C) for the purposes of any cancellation pursuant to clause (A) or (B), an additional 50 per centum of any such loan may be canceled, and (2) shall be canceled for service by the borrower after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan for each year of consecutive service, but only if such loan was made after April 13, 1970.

(d) (1) Upon enactment of this Act, the program authorized by part E of title IV of the Higher Education Act of 1965 as added by subsection (b) is, and shall be deemed to be, a continuation of the program authorized by title II of the National Defense Education Act of 1958. In accordance with regulations of the Commissioner, except as provided in subsection (c), all rights, privileges, duties, functions, and obligations under such title II prior to the enactment of this Act shall be deemed to be vested, as the Commissioner determines to be appropriate, under such part E. Any student loan fund established under an agreement under such title II shall, in accordance with regulations, be deemed to have been established under such part E; and any assets of such student loan fund of any institution shall be deemed to be the assets of a student loan fund established under an agreement of that institution with the Commissioner under such part E.

Ante, p. 272.

72 Stat. 1583.
20 USC 421.

Effective date.

(2) Upon enactment of this Act, title II of the National Defense Education Act of 1958 is amended by striking out section 206.

20 USC 426.

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENTS IN CERTAIN CASES

SEC. 138. (a) Section 494(a) of the Higher Education Act of 1965 is amended by inserting before the period at the end thereof a comma and the following: "except that under special and unusual circumstances, pursuant to regulations, the Commissioner is authorized to waive the application of any provision of such an agreement which is required by this section."

Ante, p. 272.

Effective date.

(b) The amendment made by subsection (a) shall be deemed to be effective from the date of enactment of the Higher Education Act of 1965.

79 Stat. 1219.
20 USC 1001 note.

FURNISHING GUIDELINES

SEC. 139. Part F of title IV of the Higher Education Act of 1965 is amended by adding after section 494, as added by this Act, the following new section:

Ante, p. 272.

"FURNISHING GUIDELINES

"SEC. 495. Copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this title shall be provided to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives at least thirty days prior to their effective date.".

TRANSFER OF FUNDS BETWEEN PROGRAMS

SEC. 139A. (a) Part F of title IV of the Higher Education Act of 1965 is further amended by adding after section 495, as added by this Act, the following new section:

Supra.

"TRANSFERS BETWEEN PROGRAMS

"SEC. 496. Up to 10 per centum of the allotment of an institution of higher education for a fiscal year under section 413D or 442 of this Act, may be transferred to, and used for the purposes of, the institution's allotment under the other section within the discretion of such institution in order to offer an arrangement of types of aid, including institutional and State aid, which best fits the needs of each individual student. The Commissioner shall have no control over such transfer, except as specifically authorized, except for the collection and dissemination of information.". *Ante*, pp. 254, 270.

(b) The amendment made by subsection (a) of this section shall become effective with respect to fiscal years ending after June 30, 1972. Effective date.

ELIGIBILITY FOR STUDENT ASSISTANCE

SEC. 139B. (a) Part F of title IV of the Higher Education Act of 1965 is further amended by inserting after section 496, the following new section:

"ELIGIBILITY FOR STUDENT ASSISTANCE

"SEC. 497. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after June 30, 1972, and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized under this title. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after June 30, 1972, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payments to, or for the direct benefit of, such individual under any program authorized by this title.

"(c)(1) Nothing in this section shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under this title to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

"(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

"(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.".

Repeal. 82 Stat. 1062. 20 USC 1060.

(b) Effective July 1, 1972, section 504 of Public Law 90-575 is repealed.

AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

Ante, p. 281.

SEC. 139C. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 497 the following new section:

"AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

"SEC. 498. (a) Notwithstanding any other provision of law, no grant, loan, or loan guarantee authorized under this title may be made unless the student to whom the grant, loan, or loan guarantee is made has filed with the institution of higher education which he intends to attend, or is attending (or in the case of a loan or loan guarantee with the lender), an affidavit stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at such institution.

"(b) Nothing in this section shall be construed to invalidate any loan guarantee made under this title.".

Effective date.

(b) The amendment made by subsection (a) of this section shall become effective after the sixtieth day after the date of enactment of this Act.

STUDY OF THE FINANCING OF POSTSECONDARY EDUCATION

SEC. 140. (a) (1) It is the purpose of this section to authorize a study of the impact of past, present, and anticipated private, local, State, and Federal support for postsecondary education, the appropriate role for the States in support of higher education (including the application of State law upon postsecondary educational opportunities), alternative student assistance programs, and the potential Federal, State, and private participation in such programs.

(2) In order to give the States and the Nation the information needed to assess the dimensions of, and extent of, the financial crisis confronting the Nation's postsecondary institutions such study shall determine the need, the desirability, the form, and the level of additional governmental and private assistance. Such study shall include at least (A) an analysis of the existing programs of aid to institutions of higher education, various alternative proposals presented to the Congress to provide assistance to institutions of higher education, as well as other viable alternatives which, in the judgment of the Commission, merit inclusion in such a study; (B) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions; and (C) the extent to which each would advance the national goal of making postsecondary education accessible to all individuals, including returning veterans, having the desire and ability to continue their education.

National Commission on the Financing of Postsecondary Education, establishment. Termination.

(b) (1) There is hereby established, as an independent agency within the executive branch, a National Commission on the Financing of Postsecondary Education (referred to in this section as the "Commission"). Upon the submission of its final report required by subsection (d) the Commission shall cease to exist.

(2) The Department of Health, Education, and Welfare shall provide the Commission with necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel

and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission and such amounts as may be agreed upon by the Commission and the Secretary of Health, Education, and Welfare.

(3) The Commission shall have authority to accept in the name of the United States, grants, gifts, or bequests of money for immediate disbursement in furtherance of the functions of the Commission. Such grants, gifts or bequests, after acceptance by the Commission, shall be paid by the donor or his representative to the Treasurer of the United States whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Commission for the purposes in each case specified.

(c) In conducting such a study, the Commission shall consider—

(1) the nature and causes of serious financial distress facing institutions of postsecondary education; and

(2) alternative models for the long range solutions to the problems of financing postsecondary education with special attention to the potential Federal, State, local, and private participation in such programs, including, at least—

(A) the assessment of previous related private and governmental studies and their recommendations;

(B) existing State and local programs of aid to postsecondary institutions;

(C) the level of endowment, private sector support and other incomes of postsecondary institutions and the feasibility of Federal and State income tax credits for charitable contributions to postsecondary institutions;

(D) the level of Federal support of postsecondary institutions through such programs as research grants, and other general and categorical programs;

(E) alternative forms of student assistance, including at least loan programs based on income contingent lending, loan programs which utilize fixed, graduated repayment schedules, loan programs which provide for cancellation or deferment of all or part of repayment in any given year based on a certain level of a borrower's income; and existing student assistance programs including those administered by the Office of Education, the Social Security Administration, the Public Health Service, the National Science Foundation, and the Veterans Administration; and

(F) suggested national uniform standards for determining the annual per student costs of providing postsecondary education for students in attendance at various types and classes of institutions of higher education.

Report to President and Congress.

(d) No later than April 30, 1973, the Commission shall make a final report to the President and Congress on the results of the investigation and study authorized by this section, together with such findings and recommendations, including recommendations for legislation, as it deems appropriate, including suggested national uniform standards referred to in subsection (c)(2)(F) and any related recommendations for legislation. No later than 60 days after the final report the Commissioner shall make a report to the Congress commenting on the Commission's suggested national uniform standards, and incorporating his recommendations with respect to national uniform standards together with any related recommendations for legislation.

Report to Congress.

(e) In order to carry out the provisions of this part, the Commission is authorized to—

Contract authority.

(1) enter into contracts with institutions of postsecondary education and other appropriate individuals, public agencies and private organizations;

(2) appoint and fix the compensation of such personnel as may be necessary;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code; 80 Stat. 416.

(4) utilize, with their consent, the services, personnel, information and facilities of other Federal, State, local, and private agencies with or without reimbursement; and

(5) consult with the heads of such Federal agencies as it deems appropriate.

(f)(1) The Commission is further authorized to conduct such hearings at such times and places as it deems appropriate for carrying out the purposes of this section.

Federal cooperation. (2) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out this section.

Members. (g)(1) The Commission shall be composed of—

(A) two members of the Senate who shall be members of the different political parties and who shall be appointed by the President of the Senate;

(B) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

(C) not to exceed thirteen members appointed by the President not later than ninety days after the date of enactment of this Act. Such members shall be appointed from—

(i) members of State and local educational agencies;

(ii) State and local government officials;

(iii) education administrators from private and public higher education institutions and community colleges;

(iv) teaching faculty;

(v) financial experts from the private sector;

(vi) students;

(vii) the Office of Education; and

(viii) other appropriate fields.

(2) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(3) The majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(4) The terms of office of the appointive members of the Commission shall expire after submission of the final report.

Appropriation. (h) There are hereby authorized to be appropriated $1,500,000 for the period beginning on the date of enactment of this Act and ending July 1, 1973, for the purpose of carrying out the provisions of this section.

PART E—EDUCATION PROFESSIONS DEVELOPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

79 Stat. 1254; 81 Stat. 82. 20 USC 1091. 20 USC 1101. SEC. 141. (a)(1) Title V of the Higher Education Act of 1965 is amended—

(A) in section 511(b), by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972";

20 USC 1091c, 1108, 1118, 1119a, 1119b-2. (B) in sections 504(b), 518(b), 528, 532, and 543, by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972" in each instance.

Effective date. (2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) (1) Section 501 of the Higher Education Act of 1965 is amended by inserting "(a)" after "SEC. 501." and by adding at the end thereof the following new subsection: 81 Stat. 82. 20 USC 1091.

"(b) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973, $300,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975, of which—

"(1) not less than $500,000 shall be for the purposes of section 504; 20 USC 1091c.

"(2) not less than 25 per centum or $37,500,000, whichever is greater, shall be for the purposes of subpart 1 of part B; 20 USC 1101.

"(3) not less than 5 per centum shall be for the purposes of part C; 20 USC 1111.

"(4) not less than 5 per centum shall be for the purposes of part D; 20 USC 1119.

"(5) not less than 5 per centum shall be for the purposes of part E; 20 USC 1119b.

"(6) not less than 10 per centum shall be for the purposes of part F; and 20 USC 1119c.

"(7) not less than 5 per centum of the amounts available for the purposes of part C or part D shall be used for the training of teachers for service in programs for children with limited English speaking ability.".

(2) The amendments made by paragraph (1) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972. Effective date.

(c) (1) Effective on and after July 1, 1972, title V of the Higher Education Act of 1965 is amended by striking out the following provisions: 81 Stat. 82. 20 USC 1091.

(A) Section 502(f); 20 USC 1091a.

(B) Section 504(b); 20 USC 1101.

(C) Section 511(b) and "(a)" where it appears after "SEC. 511."; 20 USC 1108.

(D) Section 518(b) and "(a)" where it appears after "SEC. 518."; 20 USC 1118.

(E) Section 528; 20 USC 1119a.

(F) Section 532; 20 USC 1119b-2

(G) Section 543; and 20 USC 1119c-4.

(H) Section 555.

(2) (A) (i) The caption head of section 518 of such title V is amended to read as follows: "PROGRAM AUTHORIZED".

(ii) Such section 518 is amended by striking out "during the fiscal year ending June 30, 1969, and the succeeding fiscal year,".

(B) Effective on and after July 1, 1972, section 519(a) of such title V is amended by striking out that part of the first sentence which precedes ", the Commissioner" and inserting in lieu thereof the following: "From the amount available for grants under this subpart for any fiscal year". Effective date. 81 Stat. 88. 20 USC 1109.

(3) Section 525(b) of such Act is amended by striking out all that follows "federally supported programs" and inserting in lieu thereof a period. 82 Stat. 1040. 20 USC 1115.

(4) The Department of Health, Education, and Welfare shall, under the authority of section 401(c) and of part C of the General Education Provisions Act, submit to the Congress an estimate of the sums necessary to carry out section 502 of such title V. Report to Congress. 20 USC 1221. *Post*, p. 326. 20 USC 1091a.

DELEGATION OF FUNCTIONS OF THE DIRECTOR OF THE TEACHER CORPS

79 Stat. 1255.
20 USC 1102.

SEC. 142. The third sentence of such section 512 is amended by inserting before the period at the end thereof the following: ", except that (1) the Commissioner may delegate his functions under this subpart only to the Director, and (2) the Director and Deputy Director shall not be given any function authorized by law other than that granted by this subpart".

RETRAINING OF TEACHERS AND EMPLOYMENT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

Ante, p. 285.

SEC. 143. (a) (1) Section 518 of the Higher Education Act of 1965 is amended (1) by striking out "to (1)" and inserting in lieu thereof "(1) to", (2) by striking out "and (2)" and inserting in lieu thereof "(2) to", and (3) and by adding the following before the period: ", (3) to encourage volunteers (including high school and college students) for service as part-time tutors or full-time instructional assistants for educationally disadvantaged children, (4) to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, and (5) to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage".

81 Stat. 87.
20 USC 1110.

(2) Section 520(a)(2) of such Act is amended (A) by striking out "and (C)" and inserting in lieu thereof "(C) programs of such agencies to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (D) programs of such agencies to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, (E) programs of such agencies to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage, and (F)".

82 Stat. 1039.

(3) Section 520(a)(3) of such Act is amended by inserting "or for the retraining of teachers" immediately before the semicolon at the end thereof.

Effective date.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROVISION FOR ADMINISTRATIVE EXPENSES FOR OPERATION OF STATE PLAN

Supra.

SEC. 144. (a) Section 520(a)(2) of the Higher Education Act of 1965 is amended, in clause (F) thereof, by (1) striking out "3" and inserting in lieu thereof "5", and (2) by inserting before the semicolon: "or, $20,000, whichever is greater".

Effective date.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

ELIMINATION OF CEILING ON EXPENDITURES FOR TEACHING AIDES

81 Stat. 88;
82 Stat. 1039.

SEC. 145. (a) Section 520(a) of the Higher Education Act of 1965 is amended by striking out clause (5) thereof. Clauses (6) through (9) of such section 520(a), and all references thereto, are redesignated as clauses (5) through (8), respectively.

Effective date.

(b) The amendments made by subsection (a) shall be effective after,

and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

TRAINING FOR TEACHERS AND AIDES IN PRIVATE SCHOOLS

SEC. 146. (a) Clause (5) of section 520(a) of the Higher Education Act of 1965 is amended by inserting "is teaching, or" after "because he". *Ante*, p. 286.

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972. Effective date.

FELLOWSHIPS IN SCHOOL NURSING

SEC. 146. A. Section 521 of the Higher Education Act of 1965 is amended by inserting "school nursing," after "such as library science,". 79 Stat. 1258. 20 USC 1111.

IMPROVING TRAINING PROGRAMS FOR THE EDUCATION OF TEACHERS AND RELATED EDUCATIONAL PERSONNEL

SEC. 147. (a)(1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause: 81 Stat. 91, 820. 20 USC 1119.

"(11) programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools.".

(2) Section 531(c) of such Act is amended by striking out the "or" at the end of clause (1) and the period at the end of clause (2), by inserting a semicolon and "or" at the end of clause (2), and by adding the following new clause:

"(3) projects or programs to improve undergraduate or other programs for training educational personnel.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972. Effective date.

PROGRAMS FOR TEACHERS OF MIGRANT CHILDREN

SEC. 148. (a)(1) Section 531(b) of the Higher Education Act of 1965 is further amended by striking out the period at the end of clause (11) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following new clause: *Supra.*

"(12) programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs.".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (2), and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new clause (4):

"(4) such activities as may be necessary to carry out the purposes of clause (12) of subsection (b), to the extent that such activities are not inconsistent with the other provisions of this part.".

Effective date.

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART F—INSTRUCTIONAL EQUIPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

79 Stat. 1261; 82 Stat. 1041. 20 USC 1121.

SEC. 151. (a) Subsections (b) and (c) of section 601 of the Higher Education Act of 1965 are each amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

Effective date.

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

PART G—ACADEMIC FACILITIES

TRANSFER OF THE PROVISIONS OF THE HIGHER EDUCATION FACILITIES ACT OF 1963

79 Stat. 1266. 20 USC 716.

SEC. 161. (a) Title VII of the Higher Education Act of 1965 is amended to read as follows:

"TITLE VII—CONSTRUCTION OF ACADEMIC FACILITIES

"PART A—GRANTS FOR THE CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. (a) The Commissioner shall carry out a program of grants to institutions of higher education for the construction of academic facilities in accordance with this part.

"(b) For the purpose of making grants under this part, there are hereby authorized to be appropriated $50,000,000, for the fiscal year ending June 30, 1972, $200,000,000 for the fiscal year ending June 30, 1973, and $300,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975.

"(c) Of the sums appropriated pursuant to section 701(b), 24 per centum shall be reserved by the Commissioner and allotted among the States under section 702. The remainder of such sums shall be available for allotment among the States under section 703.

"PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 702. (a) Sums reserved pursuant to the first sentence of section 701(c) shall be available for allotments to States for providing academic facilities for public community colleges and public technical institutes.

State allotments.

"(b) From the sums available for any fiscal year for the purposes of this section, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the product of—

"(1) the number of high school graduates of the State, and

"(2) the State's allotment ratio,

bears to the sum of the corresponding products for all the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than $50,000 shall be increased to $50,000, the total of increases thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than $50,000.

"(c)(1) From the sums available for any fiscal year for amount allotted to a State under this section shall be available for the payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received prior to January 1 of such fiscal year by the State Commission created or designated pursuant to section 1202 shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 703. 79 Stat. 1270; 82 Stat. 1042. 20 USC 1142.

"(d) All amounts allotted under this section for any fiscal year which are not reserved as provided in section 701(c) by the close of the fiscal year for which they are allotted shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purpose set forth in subsection (c)(1). Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted. Reallotment.

"(e) For the purposes of clause (2) of subsection (b), the 'allotment ratio' for any State shall be 1.00 less the product of (A) 0.50 and (B) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam), except that (i) the allotment ratio shall in no case be less than 0.33⅓ or more than 0.66⅔, (ii) the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam shall be 0.66⅔, and (iii) the allotment ratio of any State shall be 0.50 for any fiscal year if the Commissioner finds that the cost of school construction in such State exceeds twice the median of such costs in all the States as determined by him on the basis of statistics and data as the Commissioner shall deem adequate and appropriate. The allotment ratios shall be promulgated by the Commissioner as soon as possible after June 30, 1972, and annually thereafter, on the basis of the average of the incomes per person of the State and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce. "Allotment ratio."

"(f) For the purpose of this section, the term 'high school graduate' means a person who has received formal recognition (by diploma, certificate, or similar means) from an approved school for successful completion of four years of education beyond the first eight years of schoolwork, or for demonstration of equivalent achievement. For the purposes of this section the number of high school graduates shall be limited to the number who graduated in the most recent school year for which satisfactory data are available from the Department of Health, Education, and Welfare. The interpretation of the definition of 'high school graduate' shall fall within the authority of the Commissioner. "High school graduate."

"INSTITUTIONS OF HIGHER EDUCATION OTHER THAN PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 703. (a) Sums appropriated pursuant to section 701(b) which remain after the reservation provided for in the first sentence of section 701(c) for any fiscal year shall be available for allotments to States for providing academic facilities for institutions of higher education other than institutions eligible for grants under section 702.

State allotments.

"(b) Sums available for the purposes of this section for any fiscal year shall be allotted among the States as follows:

"(1) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in institutions of higher education in such States bears to the number of students so enrolled in all the States; and

"(2) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in grades nine through twelve (both inclusive) of schools in such State bears to the total number of students so enrolled in all the States. For the purposes of this subsection (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment under either clause (1) or clause (2) shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

Limitation.

The amount allotted to any State under the preceding sentence for any fiscal year shall not be less than $50,000.

"(c)(1) Any amount allotted to a State under this section for any fiscal year shall, except as provided in paragraph (2), be available, in accordance with the provisions of this title, for payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education which are not eligible for grants under section 702.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 702.

Reallotment.

"(d) All amounts allotted under this section for any fiscal year, which are not reserved by the close of the fiscal year for which they are allotted, shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purposes of this section. Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"STATE PLANS

"SEC. 704. (a) Any State desiring to participate in the grant program authorized by this part for any fiscal year shall submit for that year to the Commissioner through the State Commission a State plan for such participation. Such plan shall be submitted at such time, in

such manner, and containing such information as may be necessary to enable the Commissioner to carry out his functions under this part and shall—

"(1) provide that it shall be administered by the State Commission;

"(2) set forth objective standards and methods which are consistent with basic criteria prescribed by regulations pursuant to section 706, for—

"(A) determining the relative priorities of eligible projects submitted by institutions of higher education within the State for the construction of academic facilities, and

"(B) determining the Federal share of the development cost of each such project;

"(3) provide that the funds apportioned for any fiscal year under section 702 or 703 shall be used only for the purposes set forth therein;

"(4) provide for—

"(A) assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State Commission and found by it otherwise approvable under the provisions of this part, and

"(B) approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share of the development cost of the project involved;

"(5) provide for affording to every applicant which has submitted a project to the State Commission an opportunity for a fair hearing before the State Commission as to the priority assigned to such project, or as to any other determination of the State Commission adversely affecting such applicant; and

"(6) provide for—

"(A) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State Commission under this part, and

"(B) making such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

"(b) The Commissioner shall approve any State plan submitted under this section if he determines that it complies with the provisions of this section and other appropriate provisions of this title.

"ELIGIBILITY FOR GRANTS

"SEC. 705. (a) Except as is provided in subsection (b), an institution of higher education shall be eligible for a grant under this part only if the State Commission determines, in accordance with criteria prescribed by regulation, that the construction project for which assistance is sought will, either alone or together with other construction to be undertaken within a reasonable time, result in—

"(1) a substantial expansion of, or

"(2) in the case of a new institution, the creation of,

urgently needed (A) enrollment capacity, (B) the capacity to provide health care for students and institutional personnel, or (C) capacity to carry out extension and continuing education programs on the campus of such institution.

"(b) If the Commissioner determines, in accordance with criteria established by regulation, that the student enrollment capacity of an institution of higher education would decrease if an urgently needed

academic facility is not constructed, the construction of such a facility may be considered, for the purposes of this section, to result in an expansion of the institution's student enrollment capacity.

"BASIC CRITERIA FOR DETERMINING PRIORITIES AND FEDERAL SHARE

"SEC. 706. (a) (1) The Commissioner shall, by regulation, prescribe basic criteria to which the provisions of State plans, setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject.

"(2) Such basic criteria shall, at least—

"(A) be such as will best tend to achieve the objectives of this part, while leaving opportunity and flexibility to State Commissions for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States;

"(B) give special consideration to the expansion of undergraduate enrollment capacity; and

"(C) give consideration to the expansion of capacity to provide needed health care to students and institutional personnel.

"(3) Subject to paragraph (2), such regulations may establish additional and appropriate basic criteria, including—

"(A) provision for considering the degree to which applicant institutions are effectively utilizing existing facilities;

"(B) provision for allowing State plans to group, or to allow grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes; and

"(C) in view of the national objectives of this title, provision for considering the degree to which applicant institutions serve students from two or more States or from outside the United States.

"(4) In no event shall such basic criteria permit the readiness of an institution to admit out-of-State students to be considered as a priority adverse to such institution.

"(b) (1) The Commissioner shall prescribe, by regulation, the base criteria for determining the Federal share of the development cost of any eligible project under this part within a State, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform.

Limitation.

"(2) In no case shall such basic criteria permit the Federal share to exceed 50 per centum of the development cost of a project.

80 Stat. 383.

"(c) Section 553 of title 5, United States Code, shall apply to the prescription of regulations under this section, notwithstanding clause (2) of subsection (a) thereof.

"APPLICATIONS FOR GRANTS; AMOUNT OF GRANTS

"SEC. 707. (a) (1) Any institution of higher education which desires to receive a grant under this part shall submit an application therefor at such time or times, in such manner, and containing such information as the Commissioner shall prescribe by regulation.

"(2) The Commissioner shall approve an application for a construction project under this part if he determines that—

"(A) it meets the requirements prescribed under paragraph (1);

"(B) the project for which assistance is sought is an eligible project under section 705;

"(C) such project has been submitted through, and been approved and recommended by, the appropriate State Commission;

"(D) such State Commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable apportionment of the State;

"(E) such project has, pursuant to the State plan, been assigned a priority that is higher than that assigned to all other projects within the State which are chargeable to the same apportionment, and meet the requirements of this section, and for which Federal funds have not yet been reserved;

"(F) the construction to be carried out under the application will be undertaken in a timely and economic manner and will not be of elaborate or extravagant design or materials;

"(G) in the case of a student health care facility, no assistance will be provided for such facility under title IV of the Housing Act of 1950; and

64 Stat. 77.
12 USC prec. 1749 note.

"(H) the application contains assurances or is supported by satisfactory assurances—

"(i) that title to the site is in accordance with regulations of the Commissioner relating thereto,

"(ii) that Federal funds received by the applicant will be solely used for defraying the development cost of the project covered by the application,

"(iii) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion, and

"(iv) that the facility will be used as an academic facility for at least the period of the Federal interest therein, as provided in section 781.

Post, p. 300.

"(b) Amendments to applications submitted under this section shall, except as the Commissioner may otherwise provide by regulations, be subject to approval in the same manner as original applications.

"(c)(1) Upon his approval of any application under this section, the Commissioner shall reserve from the applicable allotment available therefor, the amount of such grant, which shall be equal to the Federal share of the development cost of the project covered by the application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine.

"(2) Upon approval of an amendment of an application, or revision of the estimated development cost of a project, for which there has been a reservation made under paragraph (1), the Commissioner may adjust the amount so reserved, accordingly. If an adjustment under the first sentence of this paragraph results in a greater amount being reserved, he may reserve the Federal share of the added cost only from the applicable allotment available at the time of such approval.

"ADMINISTRATION OF STATE PLANS; JUDICIAL REVIEW

"SEC. 708. (a)(1) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State Commission submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State Commission administering a State plan approved under this part, finds—

"(A) that the State plan has been so changed that it no longer complies with the provisions of section 704, or

"(B) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State Commission that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"(b)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 704, or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(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 certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) 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 title 28, United States Code, section 1254.

62 Stat. 928.

"PART B—GRANTS FOR CONSTRUCTION OF GRADUATE ACADEMIC FACILITIES

"AUTHORIZATION

"SEC. 721. (a) The Commissioner shall carry out a program of making grants to institutions of higher education to assist them in improving existing graduate schools and cooperative graduate centers, and in establishing graduate schools and cooperative graduate centers of excellence, in order to increase the supply of highly qualified personnel needed by communities, industries, and governments and for teaching and research.

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1972, $40,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $80,000,000 for the fiscal year ending June 30, 1975.

"APPLICATION FOR, AND AMOUNT OF, GRANTS

"SEC. 722. (a)(1) Any institution of higher education desiring to receive a grant under this part shall submit an application therefor at such time, in such manner, and containing such information as the Commissioner may require.

"(2) In determining whether to approve applications under this section, the order in which to approve such applications, and the amount of grants, the Commissioner shall give consideration to the extent to which the projects for which assistance is sought will contribute toward achieving the objectives of this part, and the extent to

which they will aid in attaining a wider distribution of graduate schools and cooperative graduate centers throughout the States. In no case shall the total of the payments from appropriations for any fiscal year pursuant to section 721 made with respect to projects in any State exceed an amount equal to 12½ per centum of such appropriations.

"(3) For the purposes of this section, the term 'institution of higher education' includes cooperative graduate center boards. "Institution of higher education."

"(b) The Commissioner shall not approve any application under this section until he has obtained the advice and recommendations of a panel of specialists who are not regular full-time employees of the Federal Government and who are competent to evaluate such application.

"(c) No grant under this part may be in an amount in excess of 50 per centum of the development cost of the project covered by the application. Limitation.

"PART C—LOANS FOR CONSTRUCTION OF ACADEMIC FACILITIES

"AUTHORIZATION

"SEC. 741. (a)(1) The Commissioner shall carry out a program of making and insuring loans, in accordance with the provisions of this part.

"(2) The Commissioner is authorized to make loans to institutions of higher education and to higher education building agencies for the construction of academic facilities and to insure loans.

"(b) For the purpose of making payments into the fund established under section 744, there are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1972, $100,000,000 for the fiscal year ending June 30, 1973, $150,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975. Sums appropriated pursuant to this subsection for any fiscal year shall be available without fiscal year limitations.

"ELIGIBILITY CONDITIONS, AMOUNTS, AND TERMS OF LOANS

"SEC. 742. (a) No loan pursuant to this part shall be made unless the Commissioner finds (1) that not less than 20 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part, (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials, and (4) that, in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, no financial assistance will be provided such project under title IV of the Housing Act of 1950. 64 Stat. 77. 12 USC prec. 1749 note.

"(b) A loan pursuant to this part shall be secured in such manner and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and it shall bear interest at (1) a rate determined by the Commissioner which shall not be less than a per annum rate that is one-quarter of 1 percentage point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum, or (2) the rate of 3 per centum per annum, whichever is the lesser.

"GENERAL PROVISION FOR LOAN PROGRAM

Final transactions.

"SEC. 743. (a) Financial transactions of the Commissioner under this part, except with respect to administrative expenses, shall be final and conclusive on all officers of the Government and shall not be reviewable by any court.

"(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Commissioner may—

Rules and regulations.

"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part;

"(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of the Commissioner or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part from the application of sections 507(b) and 517 and 2679 of title 28, United States Code;

80 Stat. 612, 613.
62 Stat. 984; 75 Stat. 539; 80 Stat. 307.

"(3) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan pursuant to this part; and, in the event of any such acquisition (and notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property by the United States), complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property; except that (1) such action shall not preclude any other action by him to recover any deficiency in the amounts loaned and (2) any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"(4) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(5) subject to the specific limitations in this part, consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him pursuant to this section; and

"(6) include in any contract or instrument made pursuant to this part such other covenants, conditions, or provisions (including provisions designed to assure against use of the facility, constructed with the aid of a loan under this part, for purposes described in section 782(1)), as he may deem necessary to assure that the purpose of this part will be achieved.

Post, p. 301.

"REVOLVING LOAN FUND AND INSURANCE FUND

"SEC. 744. (a) There is hereby created within the Treasury a separate fund for higher education academic facilities loans and loan insurance (hereafter in this section called the 'fund') which shall be available to the Commissioner without fiscal year limitation as a

revolving fund for the purposes of making loans and insuring loans under this part. The total of any loans made from the fund in any fiscal year shall not exceed limitations specified in appropriation acts.

"(b)(1) The Commissioner shall transfer to the fund available appropriations provided under section 741(b) to provide capital for the fund. All amounts received by the Commissioner as interest payments or repayments of principal on loans, and any other moneys, property, or assets derived by him from his operations in connection with this part, including any moneys derived directly or indirectly from the sale of assets, or beneficial interests or participations in assets of the fund, shall be deposited in the fund.

"(2) All loans, expenses, and payments pursuant to operations of the Commissioner under this part shall be paid from the fund, including (but not limited to) expenses and payments of the Commissioner in connection with sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participations in obligations acquired under this part. From time to time, and at least at the close of each fiscal year, the Commissioner shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this part or available as capital to the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Commissioner determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

78 Stat. 800; 80 Stat. 164. 12 USC 1717.

Interest payments.

Deferral.

"ANNUAL INTEREST GRANTS

"SEC. 745. (a) To assist institutions of higher education and higher education building agencies to reduce the cost of borrowing from other sources for the construction of academic facilities, the Commissioner may make annual interest grants to such institutions and agencies.

"(b) Annual interest grants to an institution of higher education or higher education building agency with respect to any academic facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were the maximum rate specified in section 744(b)(2). The amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants to institutions of higher education and higher education building agencies in accordance with this section.

Appropriation.

Limitations.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed $5,000,000 which amount shall be increased by $6,750,000 on July 1, 1969, and by $13,500,000 on July 1, 1970 and on July 1 of each of the four succeeding years.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"(e) No annual interest grant pursuant to this section shall be made unless the Commissioner finds (1) that not less than 10 per centum of the development costs of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure a loan in the amount of the loan with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials. For purposes of this section, a loan with respect to which an interest grant is made under this section shall not be considered financing from a non-Federal source. For purposes of the other provisions of this title, such a loan shall be considered financing from a non-Federal source.

"ACADEMIC FACILITIES LOAN INSURANCE

"SEC. 746. (a)(1) In order to assist nonprofit private institutions of higher education and nonprofit private higher education building agencies to procure loans for the construction of academic facilities, the Commissioner may insure the payment of interest and principal on such loans if such institutions and agencies meet, with respect to such loans, criteria prescribed by or under section 745 for the making of annual interest grants under such section.

"(2) No loan insurance under paragraph (1) may apply to so much of the principal amount of any loan as exceeds 90 per centum of the development cost of the academic facility with respect to which such loan was made.

"(b)(1) The United States shall be entitled to recover from any institution or agency to which loan insurance has been issued under this section the amount of any payment made pursuant to that insurance, unless the Commissioner for good cause waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(2) Any insurance issued by the Commissioner pursuant to subsection (a) shall be incontestable in the hands of the institution or agency on whose behalf such insurance is issued, and as to any agency, organization, or individual who makes or contracts to make a loan to such institution or agency in reliance thereon, except for fraud or misrepresentation on the part of such institution or agency or on the part of the agency, organization, or individual who makes or contracts to make such loan.

"(c) Insurance may be issued by the Commissioner under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations,

including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Commissioner may charge a premium for such insurance in an amount reasonably determined by him to be necessary to cover administrative expenses and probable losses under subsections (a) and (b). Such insurance shall be subject to such further terms and conditions as the Commissioner determines to be necessary.

"PART D—ASSISTANCE IN MAJOR DISASTER AREAS

"AUTHORIZATION

"SEC. 761. (a) The Commissioner shall carry out a program of financial assistance to public institutions of higher education, in accordance with the provisions of this part.

"(b) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this part.

"ASSISTANCE FOR CONSTRUCTION OF ACADEMIC FACILITIES

"SEC. 762. (a) If the Director of the Office of Emergency Planning determines that a public institution of higher education is, in whole or in part, within an area which, after June 30, 1971, and before July 1, 1975, has suffered a disaster which is a major disaster, and if the Commissioner determines with respect to such institution that—

"(1) the academic facilities of such institution have been destroyed or seriously damaged as a result of the disaster;

"(2) such institution is exercising due diligence in availing itself of State and other financial assistance available for restoration or replacement of such facilities; and

"(3) the institution does not have sufficient funds available from such other sources, including proceeds of insurance on the facilities, to provide for the restoration or replacement of such facilities;

the Commissioner is authorized to provide such assistance to such institution as is provided in subsection (b).

"(b)(1) Assistance under this section shall be a grant to an eligible institution, as determined under subsection (a), of an amount necessary to enable the institution to carry out the construction necessary to restore or replace the academic facilities determined under clause (1) of subsection (a) to be damaged or destroyed.

"(2) The maximum amount of a grant under this section shall not exceed the cost of construction incident to the restoration or replacement of the facilities determined to be damaged or destroyed under clause (1) of subsection (a) less the amount of additional assistance determined under clause (3) of subsection (a) to be available.

"(c)(1) Assistance under this section may include a grant of an amount necessary to enable the institution to lease, or otherwise obtain the use of, such facilities as are needed to replace, temporarily, facilities which have been made unavailable as a result of a major disaster.

"(2) An institution shall be eligible for assistance under this subsection if it qualifies for assistance under subsection (a), whether or not it receives assistance under subsection (b).

"EQUIPMENT AND SUPPLIES

"SEC. 763. If an institution is eligible for assistance under section 762(a), the Commissioner is authorized, whether or not such institution receives assistance under section 762(b), to make a grant to such institution of not in excess of an amount he determines necessary to replace equipment, maintenance supplies, and instructional supplies (including books, and curricular and program materials) destroyed or seriously damaged as a result of the major disaster.

"REPAYABLE ASSISTANCE IN LIEU OF A GRANT

"SEC. 764. If the Commissioner's determinations under clauses (2) and (3) of section 762(a) indicate that financial resources will become available to an institution otherwise qualified for assistance under section 762 at some future date or dates, he is authorized, subject to such terms and conditions as may be in the public interest, to extend assistance to such institution under section 762(b), 762(c), or 763 (or all such sections) with an agreement with such institution which provides that the institution will repay part or all of the funds received by it under this part.

"APPLICATIONS

"SEC. 765. No payment may be made to a public institution of higher education for academic facilities under section 762 or for assistance under section 763 unless an application therefor is submitted through the appropriate State Commission and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the institutions which have submitted approvable applications. No payment may be made under section 762(b) unless the Commissioner finds after consultation with the State Commission, that the project or projects with respect to which it is made are not inconsistent with overall State plans, submitted under section 704(a), for the construction of academic facilities. All determinations made by the Commissioner under this part shall be made only after consultation with the appropriate State Commission.

"DEFINITIONS

"SEC. 766. For the purposes of this part—

"(1) the term 'major disaster' means a disaster determined to be a major disaster as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)); and 64 Stat. 1109; 84 Stat. 1759.

"(2) an institution of higher education shall be deemed to be a 'public institution of higher education' if such institution is found by the Commissioner to be under public supervision and control.

"PART E—GENERAL

"RECOVERY OF PAYMENTS

"SEC. 781. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under part A or B of this title is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this title.

"(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under part A or B of this title—

"(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility', unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

Prohibition.

"(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this title shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

"DEFINITIONS

"SEC. 782. The following definitions apply to terms used in this title:

"(1) (A) Except as provided in subparagraph (B) of this paragraph, the term 'academic facilities' means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities. For purposes of parts A, C, and D, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of student and instructional personnel. Plans for such facilities shall be in compliance with such standards as the Secretary of Health, Education, and Welfare may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this title shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons.

"(B) The term 'academic facilities' shall not include (i) any facility intended primarily for events for which admission is to be charged to the general public, or (ii) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this title is required to carry out the objectives of this title, or (iii) any facility used or to be used for sectarian instruction or as a place for religious worship, or (iv) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity, or (v) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 724 of the Public Health Service Act, or a school of nursing as defined in section 843 of that Act.

42 USC 293d.
42 USC 298b.

"(2) The term 'construction' means (A) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (B) acquisition of existing structures not owned by the institution involved; or (C) rehabilitation, alteration, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of built-in equipment) of existing structures; or (D) a combination of any two or more of the foregoing. For the purposes of the preceding sentence, the term 'equipment' includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books, curricular and program materials, and items of current operating expense such as fuel, supplies, and the like; the term 'initial equipment' means equipment acquired and installed in connection with construction as defined in paragraph (2) (A) or (B) or, in cases referred to in paragraph (2) (C), equipment acquired and installed as part of the rehabilitation, alteration, conversion, or improvement of an existing structure, which structure would otherwise not be adequate for use as an academic facility; and the terms 'equipment', 'initial equipment', and 'built-in equipment' shall be more particularly defined by the Commissioner by regulation. For the purposes of clause (C) in the first sentence of this paragraph, the term 'rehabilitation, alteration, conversion, or improvement' includes such action as may be necessary to provide for the architectural needs of, or to remove architectural barriers to, handicapped persons with a view toward increasing the accessibility to, and use of, academic facilities by such persons.

"(3) (A) The term 'development cost', with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility. There shall be excluded from the development cost—

"(i) in determining the amount of any grant under part A or B, an amount equal to the sum of (I) any Federal grant which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a grant under part A or B, and (II) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

"(ii) in determining the amount of any loan under part C, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a loan under part C.

"(B) In determining the development cost with respect to an academic facility, the Commissioner may include expenditures for works of art for the facility of not to exceed 1 per centum of the total cost (including such expenditures) to the applicant of construction of, and land acquisition and site improvements for, such facility.

"(4) The term 'Federal share' means, except as provided in section 706(b)(2), in the case of any project a percentage (as determined under the applicable State plan) not in excess of 50 per centum of its development cost.

"(5) The term 'higher education building agency' means (A) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction of, academic facilities for

institutions of higher education (whether or not also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty), or (B) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual) (I) established by an institution of higher education for the sole purpose of providing academic facilities for the use of such institution, and (II) upon dissolution of which, all title to any property purchased or built from the proceeds of any loan made under part C will pass to such institution.

"(6) The term 'public community college and public technical institute' means an institution of higher education which is under public supervision and control, and is organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree, or a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; and the term includes a branch of an institution of higher education offering four or more years of higher education which is located in a community different from that in which its parent institution is located.

"(7) The term 'cooperative graduate center' means an institution or program created by two or more institutions of higher education which will offer to the students of the participating institutions of higher education graduate work which could not be offered with the same proficiency or economy (or both) at the individual institution of higher education. The center may be located or the program carried out on the campus of any of the participating institutions or at a separate location.

"(8) The term 'cooperative graduate center board' means a duly constituted board established to construct and maintain the cooperative graduate center and coordinate academic programs. The board shall be composed of representatives of each of the institutions of higher education participating in the center and of the community involved. At least one-third of the board's members shall be community representatives. The board shall elect by a majority vote a chairman from among its membership.

"(9) The term 'public educational institution' does not include a school or institution of any agency of the United States.

"(10) 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, the Virgin Islands, and the Trust Territory of the Pacific Islands.".

(b)(1) The programs authorized by title VII of the Higher Education Act of 1965 shall be deemed to be a continuation of the comparable programs authorized by the Higher Education Facilities Act of 1963. *Ante*, p. 288.

77 Stat. 363.
20 USC 701 note.

(2) Effective July 1, 1972, the Higher Education Facilities Act of 1963 is amended by striking out titles I and II thereof. Effective dates.

(3) Effective July 1, 1972, such Act is amended by striking out section 306 thereof. 20 USC 711, 731.
20 USC 746.

(4) The revolving fund created by section 744 of the Higher Education Act of 1965 shall be deemed to be a continuation of the revolving fund created by section 305 of the Higher Education Facilities Act of 1963. Any sums in the fund for higher education academic facilities created by such section 305 on the date of enactment of this Act shall be transferred to the fund created by section 744 of the Higher Education *Ante*, p. 296.

80 Stat. 166.
20 USC 745.

Ante, p. 296.

Act of 1965, and all such funds shall be deemed to have been made available for such fund. Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this sentence, any sums appropriated pursuant to section 303(c) of the Higher Education Facilities Act of 1963 for any fiscal year ending prior to July 1, 1973, which have not been loaned under title III of that Act of 1963 shall be deemed to have been appropriated pursuant to section 741(b) of the Higher Education Act of 1965 for the fiscal year ending June 30, 1973.

77 Stat. 372; 82 Stat. 1059. 20 USC 743. 20 USC 741.

Ante, p. 295.

PART H—NETWORKS FOR KNOWLEDGE EXTENSION

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 171. Effective after June 30, 1971, section 802 of the Higher Education Act of 1965 is amended by inserting before the period at the end thereof "$5,000,000 for the fiscal year ending June 30, 1972, $10,000,000 for the fiscal year ending June 30, 1973, and $15,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975".

82 Stat. 1043. 20 USC 1133a.

INCLUSION OF LAW AND GRADUATE PROFESSIONAL SCHOOLS

SEC. 172 (a)(1) Section 801 (a) of the Higher Education Act of 1965 is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "The Commissioner shall carry out a program of encouraging institutions of higher education (including law and other graduate professional schools) to share, to the optimal extent, through cooperative arrangements, their technical and other educational and administrative facilities and resources, and to test and demonstrate the effectiveness and efficiency of a variety of such arrangements, in accordance with this title. The Commissioner is authorized to make grants to, and contracts with, institutions of higher education to pay all or part of the cost of cooperative arrangements and of pilot or demonstration projects designed to accomplish the purpose set forth in the first sentence of this subsection.".

20 USC 1133.

(2) Clause (1)(A) of section 801(b) of such Act is amended by inserting after "libraries" a comma and "including law libraries", and by inserting after "collections" a comma and "including law library collections,".

Effective date.

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART I—GRADUATE PROGRAMS

NEW TITLE IX OF THE HIGHER EDUCATION ACT OF 1965 (GRADUATE PROGRAMS)

SEC. 181. (a) The Higher Education Act of 1965 is amended by striking out title IX and inserting in lieu thereof the following:

82 Stat. 1043. 20 USC 1134.

"TITLE IX—GRADUATE PROGRAMS

"PART A—GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

"PURPOSES; AUTHORIZATION

"SEC. 901. (a) It is the purpose of this part to make financial assistance available to institutions of higher education—

"(1) to strengthen, improve and where necessary expand the quality of graduate and professional programs leading to an advanced degree (other than a medical degree) in such institutions;

"(2) to establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and

"(3) to assist in strengthening undergraduate programs of instruction in the areas described in clauses (2), (3), and (4), whenever the Commissioner determines that strengthened undergraduate programs of instruction will contribute to the purposes of such clauses.

"(b) The Commissioner shall carry out a program of making grants to institutions of higher education to carry out the purposes set forth in subsection (a).

"(c) There are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for the purposes of this part.

"APPLICATIONS FOR GRANTS

"SEC. 902. (a) The Commissioner is authorized to make grants to institutions of higher education in accordance with the provisions of this part. An institution of higher education desiring to receive a grant under this part shall submit to the Commissioner an application therefor at such time or times, in such manner, and containing such information as the Commissioner may prescribe by regulation. Such application shall set forth a program of activities for carrying out one or more of the purposes set forth in section 901(a) in such detail as will enable the Commissioner to determine the degree to which such program will accomplish such purpose or purposes, and such other policies, procedures, and assurances as the Commissioner may require by regulation.

"(b) The Commissioner shall approve an application only if he determines that the application sets forth a program of activities which are likely to make substantial progress toward achieving the purposes of this part.

"AUTHORIZED ACTIVITIES

"SEC. 903. (a) The funds appropriated pursuant to section 901(c) may be used for such purposes as the Commissioner determines will best accomplish the purposes of this part.

"(b) Such funds may be used solely for the purposes set forth in an application approved under section 902 and solely for the purpose of accomplishing the purposes stated in section 901(a), and to that end such funds may be used for—

"(1) faculty improvement;

"(2) the expansion of graduate and professional programs of study;

"(3) the acquisition of appropriate instructional equipment and materials;

"(4) cooperative arrangements among graduate and professional schools; and

"(5) the strengthening of graduate and professional school administration.

"(c) No sums granted under this part may be used— Prohibitions.

"(1) for payment in excess of 66⅔ per centum of the total cost of such project or activity;

"(2) for payment in excess of 50 per centum of the cost of the purchase or rental of books, audiovisual aids, scientific apparatus, or other materials or equipment, less any per centum of such cost.

as determined by the Commissioner, that is paid from sums received (other than under this part) as Federal financial assistance; or

"(3) for sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity.

"RESEARCH AND STUDIES

"SEC. 904. The Commissioner is authorized, directly or by contract, to conduct studies and research activities in connection with the need for, and improvement of, graduate programs in various fields of study in institutions of higher education throughout the United States.

"PART B—GRADUATE FELLOWSHIPS FOR CAREERS IN POSTSECONDARY EDUCATION

"APPROPRIATIONS AUTHORIZED

"SEC. 921. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this part.

"NUMBER OF FELLOWSHIPS

"SEC. 922. (a) During the fiscal year ending June 30, 1973, and each of the two succeeding fiscal years, the Commissioner is authorized to award not to exceed seven thousand five hundred fellowships to be used for study in graduate programs at institutions of higher education. Such fellowships may be awarded for such period of study as the Commissioner may determine, but not in excess of three academic years, except (1) that where a fellowship holder pursues his studies as a regularly enrolled student at the institution during periods outside the regular sessions of the graduate program of the institution, a fellowship may be awarded for a period not in excess of three calendar years, and (2) that the Commissioner may provide by regulation for the granting of such fellowships for a period of study not to exceed one academic year (or one calendar year in the case of fellowships to which clause (1) applies) in addition to the maximum period otherwise applicable, under special circumstances in which the purposes of this part would most effectively be served thereby.

"(b) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this section but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of study, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

"AWARD OF FELLOWSHIPS AND APPROVAL OF INSTITUTIONS

"SEC. 923. (a) Of the total number of fellowships authorized by section 922(a) to be awarded during a fiscal year (1) not less than one-third shall be awarded to individuals accepted for study in graduate programs approved by the Commissioner under this section, and (2) the remainder shall be awarded on such bases as he may determine, subject to the provisions of subsection (c). The Commissioner shall approve a graduate program of an institution of higher education only upon application by the institution and only upon his finding that the

application contains satisfactory assurance that the institution will provide special orientation and practical experiences designed to prepare its fellowship recipients for academic careers at some level of education beyond the high school.

"(b) In determining priorities and procedures for the award of fellowships under this section, the Commissioner shall—

"(1) take into account present and projected needs for highly trained teachers in all areas of education beyond the high school,

"(2) give special attention to those institutions which have developed new doctoral-level programs especially tailored to prepare classroom teachers,

"(3) consider the need to prepare a larger number of teachers and other academic leaders from minority groups, but nothing contained in this clause shall be interpreted to require any educational institution to grant preference or disparate treatment to the members of one minority group on account of an imbalance which may exist with respect to the total number or percentage of persons of that group participating in or receiving the benefits of this program, in comparison with the total number or percentage of persons of that group in any community, State, section, or other area,

"(4) assure that at least one-half of all new fellowship recipients have demonstrated their competence outside of a higher education setting for at least two years subsequent to the completion of their undergraduate studies,

"(5) allow a fellowship recipient to interrupt his studies for up to one year for the purpose of work, travel, or independent study away from the campus, except that no stipend or travel expenses may be paid for such period, and

"(6) seek to achieve a reasonably equitable geographical distribution of graduate programs approved under this section, based upon such factors as student enrollments in institutions of higher education and population.

"(c) Recipients of fellowships under this part shall be persons who are interested in an academic career in educational programs beyond the high school level and are pursuing, or intend to pursue, a course of study leading to a degree of doctor of philosophy, doctor of arts, or an equivalent degree.

"(d) No fellowship shall be awarded under this part for study at a school or department of divinity. Prohibition.

"FELLOWSHIP STIPENDS

"SEC. 924. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(b) The Commissioner shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course, of study, in lieu of tuition charged such person, such amounts as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount shall not exceed $4,000 per academic year for any such person.

"FELLOWSHIP CONDITIONS

"SEC. 925. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in section

79 Stat. 1233.
20 USC 1064.

404 only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

Reports.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

"PART C—PUBLIC SERVICE FELLOWSHIPS

"AWARD OF PUBLIC SERVICE FELLOWSHIPS

"SEC. 941. (a) During the fiscal year ending June 30, 1973, and each of the two succeeding fiscal years, the Commissioner is authorized to award not to exceed five hundred fellowships in accordance with the provisions of this part for graduate or professional study for persons who plan to pursue a career in public service. Such fellowships shall be awarded for such periods as the Commissioner may determine but not to exceed three academic years.

Appropriation.

"(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this part.

"ALLOCATION OF FELLOWSHIPS

"SEC. 942. The Commissioner shall allocate fellowships under this part among institutions of higher education with programs approved under the provisions of this part for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(1) provide an equitable distribution of such fellowships throughout the United States; and

"(2) attract recent college graduates to pursue a career in public service.

"APPROVAL OF PROGRAMS

"SEC. 943. The Commissioner shall approve a graduate or professional program of an institution of higher education only upon application by the institution and only upon his findings—

"(1) that such program has as a principal or significant objective the education of persons for the public service, or the education of persons in a profession or vocation for whose practitioners there is a significant continuing need in the public service as determined by the Commissioner after such consultation with other agencies as may be appropriate;

"(2) that such program is in effect and of high quality, or can readily be put into effect and may reasonably be expected to be of high quality;

"(3) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 901(a)(2); and

"(4) that the application contains satisfactory assurance that (A) the institution will recommend to the Commissioner, for the award of fellowships under this part, for study in such program, only persons of superior promise who have demonstrated to the satisfaction of the institution a serious intent to enter the public service upon completing the program, and (B) the institution will make reasonable continuing efforts to encourage recipients of fellowships under this part, enrolled in such programs, to enter the public service upon completing the program.

"STIPENDS

"SEC. 944. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(b) The Commissioner shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs.

"FELLOWSHIP CONDITIONS

"SEC. 945. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Commissioner by or pursuant to regulation.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded. Reports.

"(c) No fellowship shall be awarded under this part for study at a school or department of divinity. Prohibition.

"PART D—FELLOWSHIPS FOR OTHER PURPOSES

"PROGRAM AUTHORIZED

"SEC. 961. (a) It is the purpose of this part to provide fellowships—

"(1) to assist graduate students of exceptional ability who demonstrate a financial need for advanced study in domestic mining and mineral and mineral fuel conservation including oil, gas, coal, oil shale, and uranium; and

"(2) for persons of ability from disadvantaged backgrounds, as determined by the Commissioner, undertaking graduate or professional study.

The demonstration of financial need shall be determined in accordance with regulations prescribed by the Commissioner. Regulations.

"(b) (1) The Commissioner is authorized to award under the provisions of this part not to exceed five hundred fellowships for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years. Appropriations made pursuant to section 965 for fellowships awarded under clause (2) of subsection (a) of this section may not exceed $1,000,000 in any fiscal year.

Limitation.
Post, p. 311.

"(2) In addition to the number of fellowships authorized to be awarded under paragraph (1), the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this part but vacated prior to the end of the period for which they were awarded except that each fellowship awarded under this paragraph shall be for such period of graduate or professional work or research not in excess of the remainder of the period for which the fellowship it replaces was awarded as the Commissioner may determine.

"(c) Fellowships awarded under this part shall be for graduate and professional study leading to an advanced degree or research incident to the presentation of a doctoral dissertation. Such fellowships may be awarded for graduate and professional study and research at any institution of higher education or any other research center approved for such purpose by the Commissioner. Such fellowships shall be awarded for such periods as the Commissioner may determine but not to exceed three years.

"AWARD OF FELLOWSHIPS

"SEC. 962. Recipients of fellowships under this part shall be—

"(1) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, or

"(2) persons who have completed all course work required for granting of a doctoral degree or an equivalent degree (except such course work credited on the dissertation) and comprehensive examinations where appropriate, and whose doctoral dissertation (or other equivalent dissertation) proposal has been approved by appropriate officials of an institution of higher education.

"STIPENDS AND INSTITUTION OF HIGHER EDUCATION ALLOWANCES

"SEC. 963. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends as he may determine to be consistent with prevailing practices under comparable federally supported programs, except that the stipend shall not be less than $2,800 for each academic year study. An additional amount of $300 for each such year shall be paid to each such person on account of each of his dependents, not to exceed the amount of $1,500 per academic year.

"(b) In addition to the amount paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study an amount equal to 150 per centum of the amount paid to such person, less the amount paid on account of each of such person's dependents, to such person, less any amount charged such person for tuition.

Travel allowance.

"(c) The Commissioner shall reimburse any person awarded a fellowship pursuant to this part for actual and necessary traveling expenses of such person and his dependents from his ordinary place of residence to the institution of higher education, library, archive, or other research center where he will pursue his studies under such fellowship, and to return to such residence.

"FELLOWSHIP CONDITIONS

"SEC. 964. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Commissioner by or pursuant to regulation.

Reports.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

Prohibition.

"(c) No fellowship shall be awarded under this title for study at a school or department of divinity.

"APPROPRIATIONS AUTHORIZED

"SEC. 965. There are authorized to be appropriated such sums as may be necessary for the purposes of this part.".

EXTENSION AND EXPANSION OF TITLE VI OF THE NATIONAL DEFENSE EDUCATION ACT

SEC. 182. (a) Section 601 of the National Defense Education Act of 1958 is amended to read as follows:

72 Stat. 1593.
20 USC 511.

"LANGUAGE AND AREA CENTERS AND PROGRAMS

Contract authority.

"SEC. 601. (a) The Secretary is authorized to make grants to or contracts with institutions of higher education for the purposes of establishing, equipping, and operating graduate and undergraduate centers and programs for the teaching of any modern foreign language, for instruction in other fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, or for research and training in international studies and the international aspects of professional and other fields of study. Any such grant or contract may cover all or part of the cost of the establishment or operation of a center or program, including the costs of faculty, staff, and student travel in foreign areas, regions, or countries, and the costs of travel of foreign scholars to teach or conduct research, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

"(b) The Secretary is also authorized to pay stipends to individuals undergoing advanced training in any center or under any program receiving Federal financial assistance under this title, including allowances for dependents and for travel for research and study here and abroad, but only upon reasonable assurance that the recipients of such stipends will, on completion of their training, be available for teaching service in an institution of higher education or elementary or secondary school, or such other service of a public nature as may be permitted in the regulations of the Secretary.

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Restriction.

"(c) No funds may be expended under this title for undergraduate travel except in accordance with rules prescribed by the Secretary setting forth policies and procedures to assure that Federal funds made available for such travel are expended as part of a formal program of supervised study.".

78 Stat. 1107; 82 Stat. 1057. 20 USC 513.

(b) Section 603 of such Act is amended by striking out "and $38,500,000 for the fiscal year ending June 30, 1971," and by inserting in lieu thereof the following: "$38,500,000 for each of the fiscal years ending June 30, 1971, and June 30, 1972, $50,000,000 for the fiscal year ending June 30, 1973, and $75,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975,".

EXTENSION OF THE INTERNATIONAL EDUCATION ACT OF 1966

80 Stat. 1068; 82 Stat. 1062. 20 USC 1176.

SEC. 183. Section 105(a) of the International Education Act of 1966 is amended by inserting after the second sentence thereof the following new sentence: "There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975, for the purpose of carrying out the provisions of this title.".

PART J—IMPROVEMENT OF COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

AMENDMENT TO THE TITLE X OF THE HIGHER EDUCATION ACT OF 1965

82 Stat. 1047. 20 USC 1135.

SEC. 186. (a)(1) Title X of the Higher Education Act of 1965 is amended to read as follows:

"TITLE X—COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

"PART A—ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLEGES

"Subpart 1—Statewide Plans

"SEC. 1001. (a) Each State Commission (established or designated under section 1202) of each State which desires to receive assistance under this subpart shall develop a statewide plan for the expansion or improvement of postsecondary education programs in community colleges or both. Such plan shall among other things—

Post, p. 324.

"(1) designate areas, if any, of the State in which residents do not have access to at least two years of tuition-free or low-tuition postsecondary education within reasonable distance;

"(2) set forth a comprehensive statewide plan for the establishment, or expansion, and improvement of community colleges, or both, which would achieve the goal of making available, to all residents of the State an opportunity to attend a community college (as defined in section 1018);

Post, p. 315.

"(3) establish priorities for the use of Federal and non-Federal financial and other resources which would be necessary to achieve the goal set forth in clause (2);

"(4) make recommendations with respect to adequate State and local financial support, within the priorities set forth pursuant to clause (3), for community colleges;

"(5) set forth a statement analyzing the duplications of postsecondary educational programs and make recommendations for the coordination of such programs in order to eliminate unnecessary or excessive duplications; and

"(6) set forth a plan for the use of existing and new educational resources in the State in order to achieve the goal set forth in clause (2), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect community colleges.

In carrying out its responsibilities under this subsection, each State Commission shall establish an advisory council on community colleges which shall— Advisory councils on community colleges.

"(A) be composed of—

"(i) a substantial number of persons in the State (including representatives of State and local agencies) having responsibility for the operation of community colleges;

"(ii) representatives of State agencies having responsibility for or an interest in postsecondary education; and

"(iii) the general public;

"(B) have responsibility for assisting and making recommendations to the State Commission in developing the statewide plan required under this section;

"(C) conduct such hearings as the State Commission may deem advisable; and

"(D) pursuant to requirements established by the State Commission, provide each State and local agency within the State responsible for postsecondary education an opportunity to review and make recommendations with respect to such plan.

"(b)(1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972, and ending June 30, 1974, to carry out the provisions of this section. Appropriation.

"(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

"(c) Each plan developed and adopted pursuant to subsection (a) shall be submitted to the Commissioner for his approval. The Commissioner shall not approve any plan unless he determines that it fulfills the requirements of this section.

"Subpart 2—Establishment and Expansion of Community Colleges

"PROGRAM AUTHORIZATION

"SEC. 1011. (a) In order to encourage and assist those States and localities which so desire in establishing or expanding community colleges, or both, the Commissioner shall carry out a program as provided in this subpart for making grants to community colleges in order to improve educational opportunities available through community colleges in such States.

"(b) For the purpose of carrying out this subpart, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975. Appropriations.

"APPORTIONMENTS

"SEC. 1012. (a) From the sums appropriated pursuant to section 1011(b) for each fiscal year the Commissioner shall apportion not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa and the Virgin Islands according to their respective needs. From the

"State."

remainder of such sums the Commissioner shall apportion to each State an amount which bears the same ratio to such remainder as the population aged eighteen and over in such State bears to the total of such population in all States. For the purpose of the second sentence of this subsection, the term 'State' does not include Puerto Rico, Guam, American Samoa and the Virgin Islands.

"(b) The portion of any State's apportionment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such apportionment is available, for carrying out the purposes of this subpart shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original apportionments to 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 which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State plan referred to in section 1001(a)(2) approved under this subpart, and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts are not so reduced. Any amount reapportioned to a State under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

"ESTABLISHMENT GRANTS

"SEC. 1013. (a) The Commissioner is authorized to make grants to new community colleges to assist them in planning, developing, establishing, and conducting initial operations of new community colleges in areas of the States in which there are no existing community colleges or in which existing community colleges cannot adequately provide postsecondary educational opportunities for all of the residents thereof who desire and can benefit from postsecondary education.

"New community college."

"(b) For the purposes of subsection (a), the term 'new community college' means a board of trustees or other governing board (or its equivalent) which is established by, or pursuant to, the law of a State, or local government, for the purpose of establishing a community college, as defined in section 1018, or any existing board so established which has the authority to create, and is in the process of establishing, a new community college.

Post, p. 315.

"EXPANSION GRANTS

"SEC. 1014. The Commissioner is authorized to make grants to existing community colleges to assist them—

"(1) in expanding their enrollment capacities,

"(2) in establishing new campuses, and

"(3) in altering or modifying their educational programs,

in order that they may (A) more adequately meet the needs, interests, and potential benefits of the communities they serve, or (B) provide educational programs especially suited to the needs of educationally disadvantaged persons residing in such communities.

"LEASE OF FACILITIES

"SEC. 1015. (a) The Commissioner is authorized to make grants to community colleges to enable them to lease facilities, for a period of not to exceed five years, in connection with activities carried out by them under section 1013 or section 1014.

"(b) The Federal share of carrying out a project through a grant under this section shall not exceed— Federal share, limitations.

"(1) 70 per centum of the cost of such project for the first year of assistance under this section;

"(2) 50 per centum thereof for the second such year;

"(3) 30 per centum thereof for the third such year; and

"(4) 10 per centum thereof for the fourth such year.

"APPLICATIONS; FEDERAL SHARE

"SEC. 1016. (a)(1) Grants under sections 1013 and 1014 may be made only upon application to the Commissioner. Applications for assistance under such sections shall be submitted at such time, in such manner and form, and containing such information as the Commissioner shall require by regulation.

"(2) No application submitted pursuant to paragraph (1) shall be approved unless the Commissioner determines that it is consistent with the plan approved by him under section 1001 from the State in which the applicant is located.

"(b)(1) No application for assistance under section 1013 or 1014 shall be approved for a period of assistance in excess of four years. Limitations.

"(2) The Federal share of the cost of carrying out the project for which assistance is sought in an application submitted pursuant to this section shall not exceed—

"(A) 40 per centum of such cost for the first year of assistance;

"(B) 30 per centum thereof for the second year of assistance;

"(C) 20 per centum thereof for the third year of assistance; and

"(D) 10 per centum thereof for the fourth year of assistance.

"(c)(1) Funds appropriated pursuant to section 1011 and granted under section 1013 or 1014 shall, subject to paragraph (2), be available for those activities the Commissioner determines to be necessary to carry out the purposes of such sections.

"(2) Such funds may be used (A) to remodel or renovate existing facilities, or (B) to equip new and existing facilities, but such funds may not be used for the construction of new facilities or the acquisition of existing facilities.

"PAYMENTS

"SEC. 1017. From the amount apportioned to each State pursuant to section 1012, the Commissioner shall pay to each applicant from that State which has had an application for assistance approved under this subpart the Federal share of the amount expended under such application.

"DEFINITIONS

"SEC. 1018. As used in this title, the term 'community college' means any junior college, postsecondary vocational school, technical institute, or any other educational institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

"(1) is legally authorized within such State to provide a program of education beyond secondary education;

"(2) admits as regular students persons who are high school graduates or the equivalent, or at least 18 years of age;

"(3) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;

"(4) is a public or other nonprofit institution;

"(5) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

"(A) is an institution that has obtained recognized pre-accreditation status from a nationally recognized accrediting body, or

"(B) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited.

"PART B—OCCUPATIONAL EDUCATION PROGRAMS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1051. For the purpose of carrying out this part, there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $250,000,000 for the fiscal year ending June 30, 1974, and $500,000,000 for the fiscal year ending June 30, 1975. Eighty per centum of the funds appropriated for the first year for which funds are appropriated under this section shall be available for the purposes of establishing administrative arrangements under section 1055, making planning grants under section 1056, and for initiating programs under section 1057 in those States which have complied with the planning requirements of section 1056; and 20 per centum shall be available only for technical assistance under section 1059(a). From the amount appropriated for each succeeding fiscal year 15 per centum shall be reserved to the Commissioner for grants and contracts pursuant to section 1059(b).

Post, p. 318.

Post, p. 319.

Post, p. 321.

"ALLOTMENTS AND REALLOTMENTS AMONG STATES

"SEC. 1052. (a) From the sums appropriated under section 1051 for the first year for which funds are appropriated under that section (other than funds available only for technical assistance), the Commissioner shall first allot such sums as they may require (but not to exceed $50,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $100,000.

"(b) From the sums appropriated for any succeeding fiscal year under such section (other than funds reserved to the Commissioner), the Commissioner shall first allot such sums as they may require (but not to exceed $500,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $500,000.

"(c) The portion of any State's allotment under subsection (a) or (b) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this part shall be available for reallotment from time to time, on such date or dates during such periods as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) or (b) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such States need

and will be able to use for such period, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are 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) or (b) for such year.

"FEDERAL ADMINISTRATION

"SEC. 1053. The Secretary shall develop and carry out a program designed to promote and encourage occupational education, which program shall—

"(1) provide for the administration by the Commissioner of Education of grants to the States authorized by this part;

"(2) assure that manpower needs in subprofessional occupations in education, health, rehabilitation, and community and welfare services are adequately considered in the development of programs under this part;

"(3) promote and encourage the coordination of programs developed under this part with those supported under part A of this title, the Vocational Education Act of 1963, the Manpower Development and Training Act of 1962, title I of the Economic Opportunity Act of 1964, the Public Health Service Act, and related activities administered by various departments and agencies of the Federal Government; and

20 USC 1241 note.
42 USC 2571 note.
42 USC 2711, 201 note.

"(4) provide for the continuous assessment of needs in occupational education and for the continuous evaluation of programs supported under the authority of this part and of related provisions of law.

"GENERAL RESPONSIBILITIES OF COMMISSIONER OF EDUCATION

"SEC. 1054. The Commissioner shall, in addition to the specific responsibilities imposed by this part, develop and carry out a program of occupational education that will—

"(1) coordinate all programs administered by the Commissioner which specifically relate to the provisions of this part so as to provide the maximum practicable support for the objectives of this part;

"(2) promote and encourage occupational preparation, counseling and guidance, and job placement or placement in postsecondary occupational education programs as a responsibility of elementary and secondary schools;

"(3) utilize research and demonstration programs administered by him to assist in the development of new and improved instructional methods and technology for occupational education and in the design and testing of models of schools or school systems which place occupational education on an equal footing with academic education;

"(4) assure that the Education Professions Development Act and similar programs of general application will be so administered as to provide a degree of support for vocational, technical, and occupational education commensurate with national needs and more nearly representative of the relative size of the population to be served; and

79 Stat. 1254; 81 Stat. 93. 20 USC 1091 note.

"(5) develop and disseminate accurate information on the status of occupational education in all parts of the Nation, at all levels of education, and in all types of institutions, together with information on occupational opportunities available to persons of all ages.

"STATE ADMINISTRATION

"SEC. 1055. (a) Any State desiring to participate in the program authorized by this part shall in accordance with State law establish a State agency or designate an existing State agency which will have sole responsibility for fiscal management and administration of the program, in accordance with the plan approved under this part, and which adopts administrative arrangements which will provide assurances satisfactory to the Commissioner that—

"(1) the State Advisory Council on Vocational Education will be charged with the same responsibilities with respect to the program authorized by this part as it has with respect to programs authorized under the Vocational Education Act of 1963;

82 Stat. 1064.
20 USC 1241 note.

"(2) there is adequate provision for individual institutions or groups of institutions and for local educational agencies to appeal and obtain a hearing from the State administrative agency with respect to policies, procedures, programs, or allocation of resources under this part with which such institution or institutions or such agencies disagree.

"(b) The Commissioner shall approve any administrative arrangements which meet the requirements of subsection (a), and shall not finally disapprove any such arrangements without affording the State administrative agency a reasonable opportunity for a hearing. Upon the final disapproval of any arrangement, the provisions for judicial review set forth in section 1058(b) shall be applicable.

Post, p. 320.

"PLANNING GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

"SEC. 1056. (a) Upon the application of a State Commission (established or designated pursuant to section 1202), the Commissioner shall make available to the State the amount of its allotment under section 1052 for the following purposes—

Post, p. 324.

"(1) to strengthen the State Advisory Council on Vocational Education in order that it may effectively carry out the additional functions imposed by this part; and

"(2) to enable the State Commission to initiate and conduct a comprehensive program of planning for the establishment of the program authorized by this part.

"(b)(1) Planning activities initiated under clause (2) of subsection (a) shall include—

"(A) an assessment of the existing capabilities and facilities for the provision of postsecondary occupational education, together with existing needs and projected needs for such education in all parts of the State;

"(B) thorough consideration of the most effective means of utilizing all existing institutions within the State capable of providing the kinds of programs assisted under this part, including (but not limited to) both private and public community and junior colleges, area vocational schools, accredited private proprietary institutions, technical institutes, manpower skill centers, branch institutions of State colleges or universities, and public and private colleges and universities;

"(C) the development of an administrative procedure which provides reasonable promise for resolving differences between vocational educators, community and junior college educators, college and university educators, elementary and secondary educators, and other interested groups with respect to the administration of the program authorized under this part; and

"(D) the development of a long-range strategy for infusing occupational education (including general orientation, counseling and guidance, and placement either in a job or in postsecondary occupational programs) into elementary and secondary schools on an equal footing with traditional academic education, to the end that every child who leaves secondary school is prepared either to enter productive employment or to undertake additional education at the postsecondary level, but without being forced prematurely to make an irrevocable commitment to a particular educational or occupational choice; and

"(E) the development of procedures to insure continuous planning and evaluation, including the regular collection of data which would be readily available to the State administrative agency, the State Advisory Council on Vocational Education, individual educational institutions, and other interested parties (including concerned private citizens).

"(2) Planning activities carried on by the State Commission under this section shall involve the active participation of—

"(A) the State board for vocational education;

"(B) the State agency having responsibility for community and junior colleges;

"(C) the State agency having responsibility for higher education institutions or programs;

"(D) the State agency responsible for administering public elementary and secondary education;

"(E) the State agency responsible for programs of adult basic education;

"(F) representatives of all types of institutions in the State which are conducting or which have the capability and desire to conduct programs of postsecondary occupational education;

"(G) representatives of private, nonprofit elementary and secondary schools;

"(H) the State employment security agency, the State agency responsible for apprenticeship programs, and other agencies within the State having responsibility for administering manpower development and training programs;

"(I) the State agency responsible for economic and industrial development;

"(J) persons familiar with the occupational education needs of the disadvantaged, of the handicapped, and of minority groups; and

"(K) representatives of business, industry, organized labor, agriculture, and the general public.

"(c) The Commissioner shall not approve any application for a grant under section 1057 of this part unless he is reasonably satisfied that the planning described in this section (whether or not assisted by a grant under this section) has been carried out.

"PROGRAM GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

"SEC. 1057. (a) From the allotments available to the States under section 1052(b) (upon application by the State administrative agency designated or established under section 1055), the Commissioner shall make grants to any State which has satisfied the requirements of section 1058. Such grants may be used for the following purposes—

"(1) assist the State administrative agency designated or established under section 1055;

"(2) the design, establishment, and conduct of programs of postsecondary occupational education (or the expansion and improvement of existing programs) as defined by section 1060 of this part;

"(3) the design, establishment, and conduct of programs to carry out the long-range strategy developed pursuant to section 1056(b)(1)(D) for infusing into elementary and secondary education occupational preparation, which shall include methods of involving secondary schools in occupational placement and methods of providing followup services and career counseling and guidance for persons of all ages as a regular function of the educational system;

"(4) the design of high-quality instructional programs to meet the needs for postsecondary occupational education and the development of an order of priorities for placing these programs in operation;

"(5) special training and preparation of persons to equip them to teach, administer, or otherwise assist in carrying out the program authorized under this part (such as programs to prepare journeymen in the skilled trades or occupations for teaching positions); and

"(6) the leasing, renting, or remodeling of facilities required to carry out the program authorized by this part.

"(b) Programs authorized by this part may be carried out through contractual arrangements with private organizations and institutions organized for profit where such arrangements can make a contribution to achieving the purposes of this part by providing substantially equivalent education, training, or services more readily or more economically, or by preventing needless duplication of expensive physical plant and equipment, or by providing needed education or training of the types authorized by this part which would not otherwise be available.

"ASSURANCES; JUDICIAL REVIEW

"SEC. 1058. (a) Before making any program grant under this part the Commissioner shall receive from the State Commission an assurance satisfactory to him that the planning requirements of section 1056 have been met and from the State administrative agency assurances satisfactory to him that—

"(1) the State Advisory Council on Vocational Education has had a reasonable opportunity to review and make recommendations concerning the design of the programs for which the grant is requested;

"(2) Federal funds made available under this part will result in improved occupational education programs, and in no case supplant State, local, or private funds;

"(3) adequate provision has been made by such agency for programs described in section 1057(a)(3);

"(4) provision has been made for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this part;

"(5) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served by an elementary or secondary school program funded under this part, provision has been made for the effective participation of such students; and

"(6) reports will be made in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part. Reports.

"(b)(1) Whenever the Commissioner, after reasonable notice and opportunity for a hearing to the State administrative agency, finds that any of the assurances required by subsection (a) are unsatisfactory, or that in the administration of the program there is a failure to comply with such assurances or with other requirements of the part, the Commissioner shall notify the administrative agency that no further payments will be made to the State under this part until he is satisfied there has been or will be compliance with the requirements of the part.

"(2) A State administrative agency which is dissatisfied with a final action of the Commissioner under this section or under section 1055 (with respect to approval of State administration) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. 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. 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, temporarily or permanently but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner 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 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. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner 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 subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action. 72 Stat. 941; 80 Stat. 1323. 62 Stat. 928.

"TECHNICAL ASSISTANCE; MODEL PROGRAMS

"SEC. 1059. (a) The Commissioner shall make available (to the extent practicable) technical assistance to the States in planning, designing, and carrying out the program authorized by this part upon the request of the appropriate State agency designated or established pursuant to section 1055 or section 1202 and the Commissioner shall take affirmative steps to acquaint all interested organizations, agencies, and institutions with the provision of this part and to enlist broad public understanding of its purposes. *Post*, p. 324.

"(b) From the sums reserved to the Commissioner under section 1051, he shall by grant or contract provide assistance—

"(1) for the establishment and conduct of model or demonstration programs which in his judgment will promote the achievement of one or more purposes of this part and which might otherwise not be carried out (or not be carried out soon enough or in such a way as to have the desirable impact upon the purposes of the part);

"(2) as an incentive or supplemental grant to any State administrative agency which makes a proposal for advancing the purposes of this part which he feels holds special promise for meeting occupational education needs of particular groups or classes of persons who are disadvantaged or who have special needs, when such proposal could not reasonably be expected to be carried out under the regular State program; and

"(3) for particular programs or projects eligible for support under this part which he believes have a special potential for helping to find solutions to problems on a regional or national basis.

"(c) In providing support under subsection (b) the Commissioner may as appropriate make grants to or contracts with public or private agencies, organizations, and institutions, but he shall give first preference to applications for projects or programs which are administered by or approved by State administrative agencies, and he shall in no case make a grant or contract within any State without first having afforded the State administrative agency reasonable notice and opportunity for comment and for making recommendations.

"DEFINITIONS

"SEC. 1060. For the purposes of this part—

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and (except for the purposes of subsections (a) and (b) of section 1052) American Samoa and the Trust Territory of the Pacific Islands.

"(2) The term 'postsecondary occupational education' means education, training, or retraining (and including guidance, counseling, and placement services) for persons sixteen years of age or older who have graduated from or left elementary or secondary school, conducted by an institution legally authorized to provide postsecondary education within a State, which is designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations (including new and emerging occupations), or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which require a baccalaureate or advanced degree.

"PART C—ESTABLISHMENT OF AGENCIES

"ESTABLISHMENT OF BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

"SEC. 1071. (a) There is hereby established in the United States Office of Education a Bureau of Occupational and Adult Education hereinafter referred to as the Bureau, which shall be responsible for the administration of this title, the Vocational Education Act of 1963, including parts C and I thereof, the Adult Education Act, functions of the Office of Education relating to manpower training and development, functions of the Office relating to vocational, technical, and occupational training in community and junior colleges, and any other Act vesting authority in the Commissioner for vocational, occupational, adult and continuing education and for those portions of any legislation for career education which are relevant to the purposes of other Acts administered by the Bureau.

82 Stat. 1064.
20 USC 1241 note.
20 USC 1281, 1391.
84 Stat. 159.
20 USC 1201 note.

"(b)(1) The Bureau shall be headed by a person (appointed or designated by the Commissioner) who is highly qualified in the fields of vocational, technical, and occupational education, who is accorded the rank of Deputy Commissioner, and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

5 USC 5332 note.

"(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:

"(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education,

"(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling, and

"(C) Three positions which shall be filled by persons at least one of whom is a skilled worker in a recognized occupation, another is a subprofessional technician in one of the branches of engineering, and the other is a subprofessional worker in one of the branches of social or medical services, who shall serve as senior advisers in the implementation of this title.

"COMMUNITY COLLEGE UNIT

"SEC. 1072. (a) There is established, in the Office of Education, a Community College Unit (in this section referred to as the 'Unit') which shall have the responsibility for coordinating all programs administered by the Commissioner which affect, or can benefit, community colleges, including such programs assisted under this Act, and the Vocational Education Act of 1963.

82 Stat. 1064. 20 USC 1241 note.

"(b) The Unit shall be headed by a Director who shall be placed in grade 17 of the General Schedule under section 5332 of title 5, United States Code.".

(2) The positions created by section 1071 and section 1072 of the Higher Education Act of 1965 shall be in addition to the number of positions placed in the appropriate grades under section 5108, title 5, United States Code.

Ante, p. 322.

Ante, p. 112.

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

Effective date.

PART K—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AMENDMENTS TO TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

SEC. 191. (a) Title XI of the Higher Education Act of 1965 is amended by inserting "grant or" before "contract", and "grants or" before "contracts" wherever they appear.

82 Stat. 1048. 20 USC 1136.

(b) Clause (5) of section 1101(b) of such Act is amended to read as follows:

"(5) equipment and library resources; and".

(c) Section 1103 of such Act is amended by striking out "$340,000 for the fiscal year ending June 30, 1969", and by striking out "fiscal years ending June 30, 1970, and June 30, 1971", and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975". Such section is further amended by striking out the second sentence.

20 USC 1136b.

Effective date.

(d) The amendments made by this section shall be effective after June 30, 1971.

PART L—POSTSECONDARY EDUCATION COMMISSION, COMPREHENSIVE PLANNING, AND COST OF EDUCATION DATA

AMENDMENTS TO TITLE XII OF THE HIGHER EDUCATION ACT OF 1965

SEC. 196. Title XII of the Higher Education Act of 1965 is amended by adding after section 1201 the following two new sections:

Ante, p. 260.

"STATE POSTSECONDARY EDUCATION COMMISSIONS

"SEC. 1202. (a) Any State which desires to receive assistance under section 1203 or title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in title X), junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof.

Post, p. 325. Ante, p. 312.

"(b) Such State Commission may establish committees or task forces, not necessarily consisting of Commission members, and utilize existing agencies or organizations, to make studies, conduct surveys, submit recommendations, or otherwise contribute the best available expertise from the institutions, interest groups, and segments of the society most concerned with a particular aspect of the Commission's work.

"(c)(1) At any time after July 1, 1973, a State may designate the State Commission established under subsection (a) as the State agency or institution required under section 105, 603, or 704. In such a case, the State Commission established under this section shall be deemed to meet the requirements of such sections for State agencies or institutions.

79 Stat. 1220, 1262. 20 USC 1005, 1123. Ante, p. 290.

"(2) If a State makes a designation referred to in paragraph (1)—

"(A) the Commissioner shall pay the State Commission the amount necessary for the proper and efficient administration of the Commission of the functions transferred to it by reason of the designation; and

"(B) the State Commission shall be considered the successor agency to the State agency or institution with respect to which the designation is made, and action theretofore taken by the State agency or institution shall continue to be effective until changed by the State Commission.

20 USC 1121. Ante, p. 288.

"(d) Any State which desires to receive assistance under title VI or under title VII but which does not desire, after June 30, 1973, to place the functions of State Commissions under such titles under the authority of the State Commission established pursuant to subsection (a) shall establish for the purposes of such titles a State Commission which is broadly representative of the public and of institutions of higher education (including junior colleges and technical institutes) in the State. Such State Commissions shall have the sole responsibility for the administration of State plans under such titles VI and VII within such State.

"COMPREHENSIVE STATEWIDE PLANNING

"SEC. 1203. (a) The Commissioner is authorized to make grants to any State Commission established pursuant to section 1202(a) to enable it to expand the scope of the studies and planning required in title X through comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so. *Ante*, p. 312.

"(b) The Commissioner shall make technical assistance available to State Commissions, if so requested, to assist them in achieving the purposes of this section.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out this section.". Appropriation.

FURNISHING COST OF EDUCATION DATA

SEC. 197. Title XII of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section: *Ante*, p. 324.

"COST OF EDUCATION DATA

"SEC. 1206. The Commissioner may require as a condition of eligibility of any institution of higher education—

"(1) for institutional aid, at the earliest practical date, or

"(2) for student aid, after June 30, 1973,

that such institution supply such cost-of-education data as may be in the possession of such institution.".

TITLE II—VOCATIONAL EDUCATION

SPECIAL PROGRAMS FOR THE DISADVANTAGED

SEC. 201. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1972," the following: "and for the succeeding fiscal years ending prior to July 1, 1975,". 82 Stat. 1064; 84 Stat. 188. 20 USC 1242.

CLARIFICATION OF DEFINITION OF VOCATIONAL EDUCATION WITH RESPECT TO INDIVIDUAL ARTS PROGRAMS; INCLUSION OF VOLUNTEER FIREMEN

SEC. 202. (a) Section 108(1) of the Vocational Education Act of 1963 is amended by inserting at the end thereof the following new sentence: "Such term includes industrial arts education programs in cases where the Commissioner determines by regulation that such programs will accomplish or facilitate one or more of the purposes of the first sentence of this paragraph.". 20 USC 1248.

(b) Such section 108(1) is further amended by inserting immediately after the word "employment" the first time it appears in such section the following: "(including volunteer firemen)".

EXEMPLARY PROGRAMS AND PROJECTS

SEC. 203. Section 142(a) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five". 20 USC 1302.

RESIDENTIAL VOCATIONAL SCHOOLS

82 Stat. 1082.
20 USC 1321.

SEC. 204. (a) Section 151(b) of the Vocational Education Act of 1963 is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

84 Stat. 189.
20 USC 1322.

(b) Section 152(a)(1) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1975".

20 USC 1323.

(c) Section 153(d)(2) of such Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1 of each of the four succeeding fiscal years".

CONSUMER AND HOMEMAKING EDUCATION

20 USC 1341.

SEC. 205. (a) Section 161(a)(1) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(b) Section 161(c) of such Act is amended by striking out "and the two succeeding" and inserting in lieu thereof "and the five succeeding".

COOPERATIVE VOCATIONAL EDUCATION

20 USC 1352.

SEC. 206. Section 172(a) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

WORK-STUDY PROGRAMS

20 USC 1371.

SEC. 207. Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after "June 30, 1972," the following: "and for each of the succeeding fiscal years ending prior to July 1, 1975,".

CURRICULUM DEVELOPMENT

20 USC 1391.

SEC. 208. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1975".

NATIONAL ADVISORY COUNCIL

20 USC 1244.

SEC. 209. Section 104(a)(4) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

TITLE III—AMENDMENTS RELATING TO THE ADMINISTRATION OF EDUCATION PROGRAMS

AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT

81 Stat. 814;
82 Stat. 1094;
84 Stat. 164.
20 USC 1221 note.
20 USC 1221, 1231, 1233.
20 USC 1221-1233g.

SEC. 301. (a) The General Education Provisions Act (title IV of Public Law 90-247) is amended—

(1) by redesignating parts A, B, and C thereof, and all references thereto, as parts B, C, and D and redesignating sections 401, 402, 403, 404, 405, 406, 411, 412, 413, 414, 415, 416, 417, 421, 422, 423, 424, 425, 426, 431, 432, 433, 434, 435, 436, 437, 438, and all references thereto, as sections 400, 411, 412, 413, 414, 415, 421, 422, 423, 424, 425, 426, 427, 431, 432, 433, 434, 435, 436, 441, 442, 443, 444, 445, 446, 447, and 448, respectively; and

(2) by inserting after section 400 (as redesignated by clause (1)) the following new part:

"PART A—EDUCATION DIVISION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"THE EDUCATION DIVISION

"SEC. 401. There shall be, within the Department of Health, Education, and Welfare, an Education Division which shall be composed of the Office of Education and the National Institute of Education, and shall be headed by the Assistant Secretary for Education.

"ASSISTANT SECRETARY FOR EDUCATION

"SEC. 402. (a) There shall be in the Department of Health, Education, and Welfare an Assistant Secretary for Education, who shall be appointed by the President by and with the advice and consent of the Senate. The Assistant Secretary for Education shall be compensated at the rate specified for level IV of the Executive Schedule under section 5315 of title 5, United States Code. 80 Stat. 461; 83 Stat. 864.

"(b) The Assistant Secretary shall be the principal officer in the Department to whom the Secretary shall assign responsibility for the direction and supervision of the Education Division. He shall not serve as Commissioner of Education or as Director of the National Institute of Education on either a temporary or permanent basis.

"THE OFFICE OF EDUCATION

"SEC. 403. (a) The purpose and duties of the Office of Education shall be to collect statistics and facts showing the condition and progress of education in the United States, and to disseminate such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country. The Office of Education shall not have authority which is not expressly provided for by statute or implied therein.

"(b) (1) The management of the Office of Education, shall, subject to the direction and supervision of the Secretary, be entrusted to a Commissioner of Education, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall serve at the pleasure of the President.

"(2) The Commissioner may not engage in any other business, vocation, or employment while serving in any such position; nor may he, except with the express approval of the President in writing, hold any office in, or act in any capacity for, or have a financial interest in, any organization, agency, or institution to which the Office of Education makes a grant or with which it makes a contract or other financial arrangement.

"SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

"SEC. 404. (a) Subject to the provisions of subsection (b), the Secretary is authorized to make grants to, and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance to such educational institutions and agencies for—

"(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

"(2) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experimental learning;

"(3) the establishment of institutions and programs based on the technology of communications;

"(4) the carrying out in postsecondary educational institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;

"(5) the design and introduction of cost-effective methods of instruction and operation;

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;

"(7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties; and

"(8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto.

"(b) No grant shall be made or contract entered into under subsection (a) for a project or program with any institution of postsecondary education unless it has been submitted to each appropriate State Commission established under section 1202 of the Higher Education Act of 1965, and an opportunity afforded such Commission to submit its comments and recommendations to the Secretary.

Ante, p. 324.

"(c) For the purposes of this section, the authority granted to the Commissioner in part D of this Act shall apply to the Secretary.

Ante, p. 326.

"(d) The Secretary may appoint, for terms not to exceed three years, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, not more than five technical employees to administer this section who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

5 USC 101 *et seq.*

5 USC 5101, 5331, 5332 note.

"(e) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975, for the purposes of this section.

Appropriations.

"NATIONAL INSTITUTE OF EDUCATION

"SEC. 405. (a) (1) The Congress hereby declares it to be the policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of his race, color, religion, sex, national origin, or social class. Although the American educational system has pursued this objective, it has not yet attained that objective. Inequalities of opportunity to receive high quality education remain pronounced. To achieve quality will require far more dependable knowledge about the processes of learning and education than now exists or can be expected from present research and experimentation in this field. While the direction of the education system remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

"(2) The Congress further declares it to be the policy of the United States to—

"(i) help to solve or to alleviate the problems of, and promote the reform and renewal of American education;

"(ii) advance the practice of education, as an art, science, and profession;

"(iii) strengthen the scientific and technological foundations of education; and

"(iv) build an effective educational research and development system.

"(b)(1) In order to carry out the policy set forth in subsection (a), there is established the National Institute of Education (hereinafter referred to as the 'Institute') which shall consist of a National Council on Educational Research (referred to in this section as the 'Council') and a Director of the Institute (hereinafter referred to as the 'Director'). The Institute shall have only such authority as may be vested therein by this section. Establishment.

"(2) The Institute shall, in accordance with the provisions of this section, seek to improve education, including career education, in the United States through—

"(A) helping to solve or to alleviate the problems of, and achieve the objectives of American education;

"(B) advancing the practice of education, as an art, science, and profession;

"(C) the strengthening of the scientific and technological foundations of education; and

"(D) building an effective educational research and development system.

"(c)(1) The Council shall consist of fifteen members appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members of the Council (excluding ex officio members) shall constitute a quorum. The Chairman of the Council shall be designated from among its appointed members by the President. Ex officio members shall not have a vote on the Council. Members.

"(2) The term of office of the members of the Council (other than ex officio members) shall be three years, except that (A) the members first taking office shall serve as designated by the President, five for terms of three years, five for terms of two years, and five for terms of one year, and (B) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any appointed member who has been a member of the Council for six consecutive years shall thereafter be ineligible for appointment to the Council during the two-year period following the expiration of such sixth year.

"(3) The Council shall—

"(A) establish general policies for, and review the conduct of, the Institute;

"(B) advise the Assistant Secretary and the Director of the Institute on development of programs to be carried out by the Institute;

"(C) present to the Assistant Secretary and the Director such recommendations as it may deem appropriate for the strengthening of educational research, the improvement of methods of collecting and disseminating the findings of educational research and of insuring the implementation of educational renewal and reform based upon the findings of educational research;

"(D) conduct such studies as may be necessary to fulfill its functions under this section;

"(E) prepare an annual report to the Assistant Secretary on the current status and needs of educational research in the United States;

Report to President and Congress.

"(F) submit an annual report to the President on the activities of the Institute, and on education and educational research in general, (i) which shall include such recommendations and comments as the Council may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year; and

"(G) meet at the call of the Chairman, except that it shall meet (i) at least four times during each fiscal year, or (ii) whenever one-third of the members request in writing that a meeting be held.

The Director shall make available to the Council such information and assistance as may be necessary to enable the Council to carry out its functions.

Director.

"(d)(1) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers and authorities as the Council, subject to the general supervision of the Assistant Secretary, may prescribe. The Director shall be responsible to the Assistant Secretary and shall report to the Secretary through the Assistant Secretary and not to or through any other officer of the Department of Health, Education, and Welfare. The Director shall not delegate any of his functions to any other officer who is not directly responsible to him.

80 Stat. 463; 83 Stat. 864.

"(2) There shall be a Deputy Director of the Institute (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall act for the Director during the absence or disability of the Director and exercise such powers and authorities as the Director may prescribe. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

5 USC 5332 note.

Ante, p. 112.

Research.

"(e)(1) In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"(2) Not less than 90 per centum of the funds appropriated pursuant to subsection (h) for any fiscal year shall be expended to carry out this section through grants or contracts with qualified public or private agencies and individuals.

"(3) The Director may appoint, for terms not to exceed three years, without regard to the provisions of title 5 of the United States Code governing appointment in the competitive service and may compensate without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such technical or professional employees of the Institute as he deems necessary to accomplish its functions and also appoint and compensate without regard to such provisions not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Institute.

5 USC 101 *et seq.*

5 USC 5101, 5331, 5332 note.

"(f)(1) The Director, in order to carry out the provisions of this section, is authorized—

"(A) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of the Institute;

Rules and regulations.

"(B) to accept unconditional gifts or donations of services, money or property, real, personal or mixed, tangible or intangible;

"(C) without regard to section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), United States Code, to enter into and perform such contracts, leases, cooperative agreements or other transactions as may be necessary for the conduct of the Institute's work and on such terms as he may deem appropriate with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any international organization or agency, or with any firm, association, corporation or educational institution, or with any person, without regard to statutory provisions prohibiting payment of compensation to aliens;

"(D) to acquire (by purchase, lease, condemnation or otherwise), construct, improve, repair, operate and maintain laboratories, research and testing facilities, computing devices. communications networks and machinery, and such other real and personal property or interest therein as deemed necessary;

"(E) to acquire (by purchase, lease, condemnation or otherwise) and to lease to others or to sell such property in accordance with the provisions of the Federal Property and Administrative Services Act, patents, copyrights, computing programs, theatrical and broadcast performance rights or any form of property whatsoever or any rights thereunder; and

63 Stat. 377. 40 USC 471 note.

"(F) to use the services, computation capacity, communications networks, equipment, personnel, and facilities of Federal and other agencies with their consent, with or without reimbursement. Each department and agency of the Federal Government shall cooperate fully with the Director in making its services, equipment, personnel and facilities available to the Institute.

"(2) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall 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—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276(c)).

49 Stat. 1011.

64 Stat. 1267. 5 USC app. 63 Stat. 108.

"(g) Where funds are advanced for a single project by more than one Federal agency for the purposes of this section, the National Institute of Education may act for all in administering the funds advanced.

Appropriation.

"(h) There are hereby authorized to be appropriated, without fiscal year limitations, $550,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Institute. Sums so appropriated shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for the purposes of this subsection until expended.".

Effective date.

(b)(1) The amendments made by subsection (a) shall be effective after June 30, 1972.

Repeals.

(2)(A) Effective July 1, 1972, sections 516 and 517 of the Revised Statutes of the United States (20 U.S.C. 1, 2) are repealed.

Ante, p. 326.

(B) Effective July 1, 1972, section 422 of the General Education Provisions Act is amended by striking out "(as set forth in section 516 of the Revised Statutes (20 U.S.C. 1))" and inserting in lieu thereof "(as set forth in section 403(a) of this Act)".

LIMITATIONS ON AUTHORITY

SEC. 302. (a) Section 421 of the General Education Provisions Act (as so redesignated by section 301(a)(1)) is amended by adding at the end thereof the following:

"(c)(1)(A) Except in the case of a law which—

"(i) authorizes appropriations for carrying out, or controls the administration of, an applicable program, or

"(ii) is enacted in express limitation of the provisions of this paragraph,

no provision of any law shall be construed to authorize the consolidation of any applicable program with any other program. Where the provisions of law governing the administration of an applicable program permit the packaging or consolidation of applications for grants or contracts to attain simplicity or effectiveness of administration. nothing in this subparagraph shall be deemed to interfere with such packaging or consolidation.

"(B) No provision of any law which authorizes an appropriation for carrying out, or controls the administration of, an applicable program shall be construed to authorize the consolidation of any such program with any other program unless provision for such a consolidation is expressly made thereby.

"Consolidation."

"(C) For the purposes of this subsection, the term 'consolidation' means any agreement, arrangement, or the other procedure which results in—

"(i) the commingling of funds derived from one appropriation with those derived from another appropriation,

"(ii) the transfer of funds derived from an appropriation to the use of an activity not authorized by the law authorizing such appropriation,

"(iii) the use of practices or procedures which have the effect of requiring, or providing for, the approval of an application for funds derived from different appropriations according to any criteria other than those for which provision is made (either expressly or implicitly) in the law which authorizes the appropriation of such funds, or this title, or

"(iv) as a matter of policy the making of a grant or contract involving the use of funds derived from one appropriation dependent upon the receipt of a grant or contract involving the use of funds derived from another appropriation.

"(2)(A) No requirement or condition imposed by a law authorizing appropriations for carrying out any applicable program, or controlling the administration thereof, shall be waived or modified, unless

such a waiver or modification is expressly authorized by such law or by a provision of this title or by a law expressly limiting the applicability of this paragraph.

"(B) There shall be no limitation on the use of funds appropriated to carry out any applicable program other than limitations imposed by the law authorizing the appropriation or a law controlling the administration of such program; nor shall any funds appropriated to carry out an applicable program be allotted, apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified in the law authorizing the appropriation.

"(3) No person holding office in the executive branch of the Government shall exercise any authority which would authorize or effect any activity prohibited by paragraph (1) or (2).

"(4) The transfer of any responsibility, authority, power, duty, or obligation subject to this title, from the Commissioner to any other officer in the executive branch of the Government, shall not affect the applicability of this title with respect to any applicable program."

(b) The heading of such section 421 is amended to read as follows:

"ADMINISTRATION OF EDUCATION PROGRAMS".

(c) The provisions of section 421(c) of the General Education Provisions Act shall be effective upon the date of enactment of this Act. No provision of any law which is inconsistent with such section 421(c) shall be effective nor shall any such provision control to the extent of such inconsistency, unless such a law is enacted after the date of enactment of this Act.

Effective date.

Ante, p. 332.

AMENDMENTS TO THE COOPERATIVE RESEARCH ACT

SEC. 303. (a) Effective July 1, 1972, the Cooperative Research Act is amended—

Effective date.
68 Stat. 533; 79 Stat. 44.
20 USC 331 note.

(1) in section 2 by striking out paragraph (3) of subsection (a) and subsections (b) and (c) and by amending paragraph (1) of subsection (a) to read as follows:

"SEC. 2. (a)(1). In order to assist the Commissioner in carrying out the purpose and duties of the Office of Education, the Commissioner is authorized, during the period beginning July 1, 1972, and ending June 30, 1976, to make grants to, and contracts with, public and private institutions, agencies, and organizations for the dissemination of information, for surveys, for exemplary projects in the field of education, and for the conduct of studies related to the management of the Office of Education, except that no such grant may be made to a private agency, organization, or institution other than a nonprofit one.": and

(2) by striking out section 3 of such Act and inserting in lieu thereof the following;

20 USC 332.

"SEC. 3. There are authorized to be appropriated for purposes of section 2, $58,000,000 for the fiscal year ending June 30, 1973. $68,000,000 for the fiscal year ending June 30, 1974, and $78,000,000 for the fiscal year ending June 30, 1975.".

Appropriations.

(b) Nothing contained in the amendments made by subsection (a) shall be construed to grant the Commissioner of Education any authority which he did not have under the Cooperative Research Act prior to July 1, 1972.

EVALUATION

SEC. 304. Part B of the General Education Provisions Act is amended by adding at the end thereof the following new section:

Ante, p. 326.

"EVALUATIONS BY THE COMPTROLLER GENERAL

"SEC. 417. (a) The Comptroller General of the United States shall review, audit, and evaluate any Federal education program upon request by a committee of the Congress having jurisdiction of the statute authorizing such program or, to the extent personnel are available, upon request by a member of such committee. Upon such request, he shall (1) conduct studies of statutes and regulations governing such program; (2) review the policies and practices of Federal agencies administering such program; (3) review the evaluation procedures adopted by such agencies carrying out such program; and (4) evaluate particular projects or programs. The Comptroller General shall compile such data as are necessary to carry out the preceding functions and shall report to the Congress at such times as he deems appropriate his findings with respect to such program and his recommendations for such modifications in existing laws, regulations, procedures and practices as will in his judgment best serve to carry out effectively and without duplication the policies set forth in education legislation relative to such program.

Report to Congress.

"(b) In carrying out his responsibilities as provided in subsection (a), the Comptroller General shall give particular attention to the practice of Federal agencies of contracting with private firms, organizations and individuals for the provision of a wide range of studies and services (such as personnel recruitment and training, program evaluation, and program administration) with respect to Federal education programs, and shall report to the heads of the agencies concerned and to the Congress his findings with respect to the necessity for such contracts and their effectiveness in serving the objectives established in education legislation.

"(c) In addition to the sums authorized to be appropriated under section 400(c), there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

Ante, p. 326.

TITLE IV—INDIAN EDUCATION

SHORT TITLE

SEC. 401. This title may be cited as the "Indian Education Act."

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 411. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

64 Stat. 1100.
20 USC 236.
79 Stat. 35.
20 USC 242.

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

Entitlement computation.

"SEC. 303. (a)(1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2)(A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C)) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under this subsection, with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment. The requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

Average per pupil expenditure.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

Non-local educational agencies.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educa-

tional needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

Reports.

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such record and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B)(ii).

Application amendments.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

Limitations.

"(b)(1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title 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

first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.".

80 Stat. 1191; 81 Stat. 787; 84 Stat. 121. 20 USC 241c.

(b)(1) The third sentence of section 103(a)(1)(A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "In addition, he shall allot from such amount to the Secretary of the Interior—

"(i) the amount necessary to make payments pursuant to subparagraph (B); and

"(ii) in the case of fiscal years ending prior to July 1, 1973, the amount necessary to make payments pursuant to subparagraph (C).".

(2)(A) Section 103(a)(1) of such title I is amended by adding at the end thereof the following new subparagraph:

"(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 141(a) and 142(a)(3).".

Supra.

79 Stat. 30; 81 Stat. 787; 84 Stat. 126. 20 USC 241e.

(B) The fourth sentence of section 103(a)(1)(A) of such title I is amended by striking out "and the terms upon which payment shall be made to the Department of the Interior.".

Effective date.

(3) The amendments made by this subsection shall be effective on and after July 1, 1972.

64 Stat. 1106. 20 USC 240.

(c)(1) Subsection (a) of section 5 of Public Law 874, 81st Congress, as amended, is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following new paragraph (2):

"(2)(A) Applications for payment on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency. 20 USC 238.

"(B) For the purposes of this paragraph, Indian lands means that property included within the definition of Federal property under clause (A) of section 403(1).". *Ante*, p. 334.

(2)(A) The Commissioner shall exercise his authority under section 425 of the General Education Provisions Act, to encourage local parental participation with respect to financial assistance under title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on, Indian lands. *Ante*, p. 326. 64 Stat. 1100; 79 Stat. 27; 81 Stat. 811.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 403(1) of Public Law 874, 81st Congress. 20 USC 236. "Indian lands."

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 421. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section: 79 Stat. 55; 80 Stat. 1204; 81 Stat. 816; 84 Stat. 153. 20 USC 881.

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

In the case of activities of the type described in clause (3) preference shall be given to the training of Indians. Inservice programs, Indians, preference.

"(b) The Commissioner is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, organizations, and institutions to support planning, pilot, and demonstration projects

which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

Educational enrichment programs and services.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

Education personnel.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Indians, preference.

Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences. In carrying out the programs authorized by this subsection, preference shall be given to the training of Indians.

"(e) The Commissioner is also authorized to make grants to and contracts with, public agencies, and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and Information dissemination.

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children. Program evaluation.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall— Grants, application.

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions. Parental participation.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding fiscal years.". Appropriation.

(b)(1)(A) The third sentence of section 202(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,". 84 Stat. 130. 20 USC 822.

(B) The third sentence of section 302(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,". 84 Stat. 131. 20 USC 842.

(C) Clause (B) of section 612(a)(1) of Public Law 91-230 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,". 84 Stat. 178. 20 USC 1412.

(2) For the purposes of titles II and III of the Elementary and Secondary Education Act of 1965 and part B of title VI of Public Law 91-230, the Secretary of the Interior shall have the same duties and responsibilities with respect to funds paid to him under such titles, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under such titles. 20 USC 821, 841. 20 USC 1411.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

AMENDMENT TO THE ADULT EDUCATION ACT

84 Stat. 159.
20 USC 1201 note.

SEC. 431. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

Tribal participation; Indians, priority.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years.".

Appropriation.

PART D—OFFICE OF INDIAN EDUCATION

OFFICE OF INDIAN EDUCATION

SEC. 441. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Office of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Office shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

Establishment.

Ante, p. 334.

Ante, p. 339.

Ante, p. 342.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

Deputy Commissioner of Education.

5 USC 5332 note.

84 Stat. 1955; *Ante*, p. 112.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

SEC. 442. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and Alaska Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

Establishment.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

Ante, p. 334.
Ante, p. 339.
Ante, p. 342.

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

Ante, p. 335.

Annual report to Congress.

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

Contract authority.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) From the sums appropriated pursuant to section 400(c) of the General Education Provisions Act which are available for the purposes of section 411 of such Act and for part D of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

Ante, p. 326.

PART E—MISCELLANEOUS PROVISIONS

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

81 Stat. 83.
20 USC 1091b.

SEC. 451. (a) Section 503(a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians,".

81 Stat. 91; 82 Stat. 1040; *Ante*, p. 285.
20 USC 1119.

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"TEACHERS FOR INDIAN CHILDREN

"SEC. 532. Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes. In carrying out the provisions of this section preference shall be given to the training of Indians.".

Indians, preference.

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 452. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

84 Stat. 152.
20 USC 880b-3a.
Local educational agency status.

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

DEFINITION

"Indian."

SEC. 453. For the purposes of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian".

TITLE V—MISCELLANEOUS

ADMINISTRATION OF PROGRAMS AND PROJECTS

Ante, p. 326.

SEC. 501. Section 434 of the General Education Provisions Act is amended by—

(1) amending the caption head thereof to read "ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS";

(2) striking out "(a)" after "SEC. 434." and inserting in lieu thereof "(a)(1)" and striking out "(b)" and inserting in lieu thereof "(2)";

(3) adding at the end thereof the following new subsection:

"(b) Each application for assistance under any applicable program, with respect to which the Commissioner determines that this subsection should apply, whether such application is approved by the Commissioner or by an agency administering a State plan approved by him and each State plan submitted to the Commissioner under any applicable program shall, as a precondition for approval—

"(1) provide for such methods of administration as are necessary for the proper and efficient administration of the program or project for which application is made;

"(2) make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under the application; and

"(3) provide for making such reports as the Commissioner may require to carry out his functions.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

82 Stat. 1052; 84 Stat. 192.
20 USC 441.

SEC. 502. (a) The first sentence of section 301 of the National Defense Education Act of 1958 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1975".

82 Stat. 1052.
20 USC 441.

(b) The second sentence of such section 301 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1975".

STUDY AND REPORT ON RULES AND REGULATIONS

SEC. 503. (a) The Commissioner shall conduct a study of all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary of Health, Education, and Welfare (or any of their delegates) in connection with, or affecting, the administration of any program to which the General Education Provisions Act applies, which have been issued after June 30, 1965. Such study shall include a review of each such rule, regulation, guideline, interpretation, or order as it relates to the statutory or other legal authority upon which it is based, and to committee reports relating to such statutory authority.

Ante, p. 326.

Report to congressional committees.

(b) No later than one year after the enactment of this Act, the Commissioner shall submit a report on the study conducted pursuant to subsection (a) to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives which report shall include the specific legal authority of each section, or other division, of each rule, regulation, guideline, interpretation, or other order to which this section applies.

Publication in Federal Register.

(c) Not later than sixty days after the date of submission of the report required by subsection (b) of this section, all rules, regulations, guidelines, interpretations, or other orders to which this section applies shall be published in the Federal Register. During the sixty-day period following such publication, the Commissioner shall provide interested parties an opportunity for a public hearing on the matters so published.

Report to congressional committees.

(d) After a study of comments and recommendations offered to the Commissioner during the sixty-day period specified in subsection (c), he shall submit a report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives on such comments and recommendations, and any action he has taken as a result thereof, and he shall, not later than sixty days after the period specified in subsection (c), republish all rules, regulations, guidelines, interpretations and orders in the Federal Register, which shall supersede all preceding rules, regulations, guidelines, interpretations and orders issued in connection with, or affecting, any program to which the General Education Provisions Act applies, and become effective thirty days after such republication.

Publication in Federal Register; effective date.

ETHNIC HERITAGE STUDIES PROGRAM

79 Stat. 27; *Ante*, p. 339. 20 USC 821 note.

SEC. 504. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAM

"STATEMENT OF POLICY

"SEC. 901. In recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students oppor-

tunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the other ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES PROGRAMS

"SEC. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies programs, as provided in this title. Grants, contract authority.

"AUTHORIZED ACTIVITIES

"SEC. 903. Each program assisted under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group or groups with which the program is concerned, and the contributions of that ethnic group or groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using, or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations with a special interest in the ethnic group or groups with which the program is concerned to assist them in promoting, encouraging, developing, or producing programs or other activities which relate to the history, culture, or traditions of that ethnic group or groups.

"APPLICATIONS

"SEC. 904. (a) Any public or private nonprofit agency, institution, or organization desiring assistance under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that— Approval, conditions.

"(1) the program for which the application seeks assistance will be operated by the applicant and that the applicant will carry out such program in accordance with this title;

"(2) such program will involve the activities described in section 903; and

"(3) such program has been planned, and will be carried out, in consultation with an advisory council which is representative of the ethnic group or groups with which the program is concerned and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commissioner shall insure that there is cooperation and coordination of efforts among the programs assisted under this title, including the exchange of materials and information and joint programs where appropriate. Program coordination.

"ADMINISTRATIVE PROVISIONS

"SEC. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowl-

edge of ethnic groups in local communities and of foreign students pursuing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other groups such as foundations, civic groups, and fraternal organizations which would further the goals of the programs.

Funds, use.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing and carrying out the programs, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training as part of such programs, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

Ante, p. 326.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 907. For the purpose of carrying out this title, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated.".

Effective date.

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

CONSUMERS' EDUCATION

SEC. 505. (a) (1) The Congress of the United States finds that there do not exist adequate resources for educating and informing consumers about their role as participants in the marketplace.

(2) It is the purpose of the amendment made by this section to encourage and support the development of new improved curricula to prepare consumers for participation in the marketplace to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in consumer education at the elementary and secondary and higher education levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community and labor leaders and employees, and government employees at State, Federal, and local levels; to provide for Community Consumer education programs; and to provide for the preparation and distribution of materials by mass media in dealing with consumer education.

Ante, p. 339.

(3) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"CONSUMERS' EDUCATION PROGRAMS

"Sec. 811. (a) There shall be within the Office of Education, a Director of Consumers' Education (hereafter in this section referred to as the 'Director') who, subject to the management of the Commissioner, shall have primary responsibility for carrying out the provisions of this section.

Director of Consumers' Education.

"(b)(1)(A) The Director shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) to support research, demonstration, and pilot projects designed to provide consumer education to the public except that no grant may be made other than to a nonprofit agency, organization, or institution.

Grants, contract authority.

Prohibition.

"(B) Funds appropriated for grants and contracts under this section shall be available for such activities as—

Funds, use.

"(i) the development of curricula (including interdisciplinary curricula) in consumer education;

"(ii) dissemination of information relating to such curricula;

"(iii) in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels; and

"(iv) preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with consumer education.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section. Activities pursuant to this section shall provide bilingual assistance when appropriate.

Bilingual assistance.

"(C) Financial assistance under this subsection may be made available only upon application to the Director. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Director shall prescribe by regulation and shall be approved only if it—

Applications.

"(i) provides that the activities and service for which assistance is sought will be administered by, or under the supervision of, the applicant;

"(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

"(iii) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

"(iv) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds;

"(v) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of an accounting for Federal funds paid to the applicant under this section; and

Reports, record-keeping.

"(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

State educational agency, notification.

Applications from local educational agencies for financial assistance under this section may be approved by the Director only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

Program costs, Federal share.

"(2) Federal assistance to any program or project under this subsection, other than those involving curriculum development, dissemination of curricular materials, and evaluation, shall support up to 100 per centum of the cost of such program including costs of administration; contributions in kind are acceptable as local contributions to program costs.

Reports; evaluations.

"(c) Each recipient of Federal funds under this section shall make such reports and evaluations as the Commissioner shall prescribe by regulation.

Appropriations.

"(d) There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $35,000,000 for the year ending June 30, 1975, for carrying out the purposes of this section.".

Effective date.

(b) The amendment made by this section shall be effective after June 30, 1972.

LAND-GRANT STATUS FOR THE COLLEGE OF THE VIRGIN ISLANDS AND THE UNIVERSITY OF GUAM

SEC. 506. (a) The College of the Virgin Islands and the University of Guam shall be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

Appropriation.

(b) In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, relating to donations of public land or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated $3,000,000 to the Virgin Islands and $3,000,000 to Guam. Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land scrip.

7 USC 321-326, 328.

(c) The Act of August 30, 1890 (26 Stat. 417; 7 U.S.C. 3–22–326) is amended by adding at the end thereof the following new section:

"SEC. 5. There is authorized to be appropriated annually for payment to the Virgin Islands and Guam the amount they would receive under this Act if they were States. Sums appropriated under this section shall be treated in the same manner and be subject to the same provisions of law, as would be the case if they had been appropriated by the first sentence of this Act.".

74 Stat. 525; 82 Stat. 241.

(d) Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

(1) by striking out "and Puerto Rico" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "$7,800,000" and inserting in lieu thereof the figure "$8,100,000"; and

(3) by striking out "$4,320,000" and inserting in lieu thereof the figure "$4,360,000".

(e) The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331) is amended—

(1) by striking out "and Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(3) by striking out "State" wherever it appears in the third proviso of that Act and inserting in lieu thereof the following: "State, Puerto Rico, the Virgin Islands, or Guam".

(f) Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking out the period at the end of the section and inserting in lieu thereof the following: ", and the term 'State' when used in this chapter shall include the Virgin Islands and Guam.".

(g) Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by inserting "(1)" immediately after the designation of subsection (b) thereof and by adding at the end of subsection (b) thereof a new paragraph (2) as follows; 67 Stat. 84; 76 Stat. 745.

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.". Appropriation.

(h) Section 10 of the Act of May 8, 1914, is amended by striking out "and Puerto Rico" and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam". 7 USC 349.

(i) Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof the following: ", except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.".

(j) Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", the Virgin Islands, and Guam.".

(k) Section 1 of the Act of August 11, 1955 (7 U.S.C. 361a–361i), is amended by striking out the period at the end of the second sentence and inserting in lieu thereof the following: "Guam and the Virgin Islands," and striking out "and" between the words "Hawaii and Puerto Rico.". 69 Stat. 671.

(l) Section 3 of the Act of August 11, 1955 (7 U.S.C. 361a–361i) is amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act."

(m) With respect to the Virgin Islands and Guam, the enactment of this section shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this section.

Effective date.

(n) The amendments made by this section shall be effective after June 30, 1970.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 WITH RESPECT TO MIGRATORY CHILDREN OF MIGRATORY AGRICULTURAL WORKERS

SEC. 507. (a) Section 141(c)(1) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out the word "and" at the end of clause (B) of such section, by redesignating clause (C) of such section as clause (D), and by inserting immediately after clause (B) the following new clause (C):

80 Stat. 1192; 81 Stat. 787; 84 Stat. 126. 20 USC 241e.

"(C) that, effective after June 30, 1972, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose; and".

(b) Section 141(c)(3) of such title I is amended by adding at the end thereof the following new sentence: "Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in the consideration of programs and activities contained in applications submitted under this subsection.".

Study.

(c)(1) The Commissioner shall conduct a study of the operation of title I of the Elementary and Secondary Education Act of 1965 as such title affects the education of migratory children of migratory agricultural workers. Such study shall include an evaluation of the specific programs and projects assisted under such title I for such children, with a view toward the assessment of their effectiveness, and shall include a review of the administration of such programs and projects by the States.

79 Stat. 27; 80 Stat. 1198; 81 Stat. 787. 20 USC 241a.

Report.

(2) Not later than December 31, 1973, the Commissioner shall submit a report on the study required by paragraph (1), which report shall contain a statement with respect to the effectiveness of individual programs and projects assisted under such title I with respect to migrant children, an evaluation of State administration of such programs and projects, and make recommendations for the improvement of such programs and projects.

TECHNICAL AMENDMENT WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 508. Section 103(a)(7) of title I of the Elementary and Secondary Education Act of 1965, is amended by striking out "for children

80 Stat. 1194; 81 Stat. 787. 20 USC 241c.

in institutions for neglected or delinquent children" and inserting in lieu thereof the following: "for children in institutions for neglected or delinquent children or in adult correctional institutions, if such funds are used solely for children".

CONFORMING AMENDMENTS WITH RESPECT TO OCCUPATIONAL EDUCATION

SEC. 509. (a) (1) Section 203(a)(3) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" at the end of clause (B), striking out the semicolon at the end of clause (C) and inserting in lieu thereof ", and", and by inserting a new clause as follows: 80 Stat. 1200. 20 USC 823.

"(D) provide assurance that equal consideration shall be given to the needs of elementary and secondary schools for library resources, textbooks, and other printed and published materials utilized for instruction, orientation, or guidance and counseling in occupational education.".

(2) Section 303(b)(3) of such Act is amended by redesignating clauses (C), (D), (E), (F), (G), (H), (I), and (J), respectively, as clauses (D), (E), (F), (G), (H), (I), (J), and (K), and by inserting a new clause as follows: 84 Stat. 132. 20 USC 843.

"(C) programs designed to encourage the development in elementary and secondary schools of occupational information and counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education;".

(3) Section 503(4) of such Act is amended by redesignating clauses (A), (B), and (C), respectively, as clauses (B), (C), and (D), and by inserting a new clause as follows: 79 Stat. 49. 20 USC 863.

"(A) the development in elementary and secondary schools of programs of occupational information, counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education,".

(b)(1) Section 104(a)(2) of the Vocational Education Act of 1963 (relating to the duties of the National Advisory Council on Vocational Education) is amended by inserting after "under this title" each time it appears ", and under part B of title X of the Higher Education Act of 1965,". 82 Stat. 1066. 20 USC 1244. *Ante*, p. 316.

(2) Section 104 of such Act is further amended by redesignating subsection (c) as subsection (d) and by inserting a new subsection as follows:

"(c) State advisory councils also shall perform with respect to the programs carried out under part B of title X of the Higher Education Act of 1965 functions identical with or analogous to those assigned under this title, and the Commissioner shall assure that adequate funds are made available to such Councils from funds appropriated to carry out part B of that title (without regard to whether such funds have been allotted to States) to enable them to perform such functions.".

POLICY STATEMENT CONCERNING STUDENTS ON BOARDS OF TRUSTEES

SEC. 510. It is the sense of the Congress that the governing boards of institutions of higher education should give consideration to student participation on such boards.

TITLE VI—INVESTIGATION OF YOUTH CAMP SAFETY

SEC. 601. The Secretary of Health, Education, and Welfare shall make a full and complete investigation and study to determine (1)

the extent of preventable accidents and illnesses currently occurring in youth camps throughout the Nation, (2) the contribution to youth camp safety now being made by State and local public agencies and private groups, (3) whether existing State and local laws adequately deal with the safety of campers in youth camps, (4) whether existing State and local laws relating to youth camp safety are being effectively enforced, and (5) the need for Federal laws in this field.

REPORT

Report to Congress.

SEC. 602. The Secretary of Health, Education, and Welfare shall make a report to the Congress before March 1, 1973, on the results of his investigation and study under this title. Such report shall include his recommendations for such legislation as may be necessary or desirable.

AUTHORIZATION OF FUNDS

SEC. 603. There is authorized to be appropriated $300,000 for carrying out the purposes of this title.

TITLE VII—EMERGENCY SCHOOL AID

SHORT TITLE

SEC. 701. This title may be cited as the "Emergency School Aid Act".

FINDINGS AND PURPOSE

SEC. 702. (a) The Congress finds that the process of eliminating or preventing minority group isolation and improving the quality of education for all children often involves the expenditure of additional funds to which local educational agencies do not have access.

(b) The purpose of this title is to provide financial assistance—

(1) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(2) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(3) to aid school children in overcoming the educational disadvantages of minority group isolation.

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

SEC. 703. (a) It is the policy of the United States that guidelines and criteria established pursuant to this title shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

78 Stat. 252. 42 USC 2000d.

(b) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

80 Stat. 1209; 81 Stat. 787. 42 USC 2000d-5.

APPROPRIATIONS

SEC. 704. (a) The Assistant Secretary shall, in accordance with the provisions of this title, carry out a program designed to achieve the purpose set forth in section 702(b). There are authorized to be appropriated for the purpose of carrying out this title, $1,000,000,000 for the fiscal year ending June 30, 1973, and $1,000,000,000 for the fiscal year ending June 30, 1974. Funds so appropriated shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated.

(b)(1) From the sums appropriated pursuant to subsection (a) for any fiscal year, the Assistant Secretary shall reserve an amount equal to 5 per centum thereof for the purposes of section 709.

(2) From the sums appropriated pursuant to subsection (a) for any fiscal year, the Assistant Secretary shall reserve an amount equal to 13 per centum thereof for the purposes of sections 708 (a) and (c), 711, and 713, of which—

(A) not less than an amount equal to 4 per centum of such sums shall be for the purposes of section 708(c); and

(B) not less than an amount equal to 3 per centum of such sums shall be for the purposes of section 711.

APPORTIONMENT AMONG STATES

SEC. 705. (a)(1) From the sums appropriated pursuant to section 704(a) which are not reserved under section 704(b) for any fiscal year, the Assistant Secretary shall apportion to each State for grants and contracts within that State $75,000 plus an amount which bears the same ratio to such sums as to the number of minority group children aged 5–17, inclusive, in that State bears to the number of such children in all States except that the amount apportioned to any State shall not be less than $100,000. The number of such children in each State and in all of the States shall be determined by the Assistant Secretary on the basis of the most recent available data satisfactory to him.

(2) The Assistant Secretary shall, in accordance with criteria established by regulation, reserve not in excess of 15 per centum of the sums appropriated pursuant to subsection 704(a) for grants to, and contracts with, local educational agencies in each State pursuant to section 706(b) to be apportioned to each State in accordance with paragraph (1) of this subsection.

(3) The Assistant Secretary shall reserve 8 per centum of the sums appropriated pursuant to subsection 704(a) for the purpose of section 708(b) to be apportioned to each State in accordance with paragraph (1) of this subsection.

(b)(1) The amount by which any apportionment to a State for a fiscal year under subsection (a) exceeds the amount which the Assistant Secretary determines will be required for such fiscal year for programs or projects within such State shall be available for reapportionment to other States in proportion to the original apportionments to such States under subsection (a) for that year, but with such proportionate amount for any such State being reduced to the extent it exceeds the sum the Assistant Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amounts reapportioned to a State under this subsection during a fiscal year shall be deemed part of its apportionment under subsection (a) for such year.

(2) In order to afford ample opportunity for all eligible applicants in a State to submit applications for assistance under this title, the Assistant Secretary shall not fix a date for reapportionment, pursuant to this subsection, of any portion of any apportionment to a State for a fiscal year which date is earlier than sixty days prior to the end of such fiscal year.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, no portion of any apportionment to a State for a fiscal year shall be available for reapportionment pursuant to this subsection unless the Assistant Secretary determines that the applications for assistance under this title which have been filed by eligible applicants in that State for which a portion of such apportionment has not been reserved (but which would necessitate use of that portion) are applications which do not meet the requirements of this title, as set forth in sections 706, 707, and 710, or which set forth programs or projects of such insufficient promise for achieving the purpose of this title stated in section 702(b) that their approval is not warranted.

ELIGIBILITY FOR ASSISTANCE

SEC. 706. (a)(1) The Assistant Secretary is authorized to make a grant to, or a contract with, a local educational agency—

(A) which is implementing a plan—

(i) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools; or

(ii) which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools; or

78 Stat. 252.
42 USC 2000d.

(B) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan for the complete elimination of minority group isolation in all the minority group isolated schools of such agency; or

(C) which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan—

(i) to eliminate or reduce minority group isolation in one or more of the minority group isolated schools of such agency,

(ii) to reduce the total number of minority group children who are in minority group isolated schools of such agency, or

(iii) to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this title) in any school in such district in which school at least 20 per centum but not more than 50 per centum, of the enrollment consists of such children, or

(D) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement a plan to enroll and educate in the schools of such agency children who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing minority group

isolation in one or more of the school districts to which such plan relates.

Grants, contract authority.

(2)(A) The Assistant Secretary is authorized, in accordance with special eligibility criteria established by regulation for the purposes of this paragraph, to make grants to, and contracts with, local educational agencies for the purposes of section 709(a)(1).

(B) A local educational agency shall be eligible for assistance under this paragraph only if—

(i) such agency is located within, or adjacent to, a Standard Metropolitan Statistical Area;

(ii) the schools of such agency are not attended by minority group children in a significant number or proportion; and

(iii) such local educational agency has made joint arrangements with a local educational agency, located within that Standard Metropolitan Statistical Area, and the schools of which are attended by minority group children in a significant proportion, for the establishment or maintenance of one or more integrated schools as provided in section 720(6).

(3) Upon a determination by the Assistant Secretary—

(i) that more than 50 per centum of the number of children in attendance at the schools of a local educational agency is minority group children; and

(ii) that such local educational agency has applied for and will receive at least an equal amount of assistance under subsection (b);

the Assistant Secretary is authorized to make a grant to, or contract with, such local educational agency for the establishment or maintenance of one or more integrated schools as defined in section 720(7).

(b) The Assistant Secretary is authorized to make grants to, or contracts with, local educational agencies, which are eligible under subsection (a), for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if he determines that the local educational agency had a number of minority group children enrolled in its schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, which (1) is at least 15,000, or (2) constitutes more than 50 per centum of the total number of children enrolled in such schools.

Limitation.

(c) No local educational agency making application under this section shall be eligible to receive a grant or contract in an amount in excess of the amount determined by the Assistant Secretary, in accordance with regulations setting forth criteria established for such purpose, to be the additional cost to the applicant arising out of activities authorized under this title, above that of the activities normally carried out by the local educational agency.

(d)(1) No educational agency shall be eligible for assistance under this title if it has, after the date of enactment of this title—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to, any transferee which it knew or reasonably should have known to be a nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the implementation of any plan or the conduct of any activity described in this section, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the conduct of an activity described in this section, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day, except that this clause does not prohibit the use of bona fide ability grouping by a local educational agency as a standard pedagogical practice; or

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group children in such activities, which discriminates among children on the basis of race, color, or national origin;

Ineligibility, waiver.

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

Waiver application, approval.

(2) Applications for waivers under paragraph (1) may be approved only by the Secretary. The Secretary's functions under this paragraph shall, notwithstanding any other provision of law, not be delegated.

(3) Applications for waiver shall be granted by the Secretary upon determination that any practice, policy, procedure or other activity resulting in ineligibility has ceased to exist, and that the applicant has given satisfactory assurance that the activities prohibited in this subsection will not reoccur.

(4) No application for assistance under this title shall be approved prior to a determination by the Secretary that the applicant is not ineligible by reason of this subsection.

(5) All determinations pursuant to this subsection shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

Notice to congressional committees.

(6) All determinations and waivers pursuant to this subsection shall be in writing. The Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives shall each be given notice of an intention to grant any waiver under this subsection, which notice shall be accompanied by a copy of the proposed waiver for which notice is given and copies of all determinations relating to such waiver. The Assistant Secretary shall not approve an application by a local educational agency which requires a waiver under this subsection prior to 15 days after receipt of the notice required by the preceding sentence by the chairman of the Committee on Labor and Public Welfare of the Senate and the chairman of the Committee on Education and Labor of the House of Representatives.

AUTHORIZED ACTIVITIES

SEC. 707. (a) Financial assistance under this title (except as provided by sections 708, 709, and 711) shall be available for programs and projects which would not otherwise be funded and which involve activities designed to carry out the purpose of this title stated in section 702(b):

Special remedial services.

(1) Remedial services, beyond those provided under the regular school program conducted by the local educational agency, including student to student tutoring, to meet the special needs of children (including gifted and talented children) in schools which are affected by a plan or activity described in section 706 or a program described in section 708, when such services are deemed necessary to the success of such plan, activity, or program.

Professional staff.

(2) The provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of minority group isolation) and the training and retraining of staff for such schools.

Teacher aides.

(3) Recruiting, hiring, and training of teacher aides, provided that in recruiting teacher aides, preference shall be given to parents of children attending schools assisted under this title.

Inservice teacher training.

(4) Inservice teacher training designed to enhance the success of schools assisted under this title through contracts with institutions of higher education, or other institutions, agencies, and organizations individually determined by the Assistant Secretary to have special competence for such purpose.

Counseling.

(5) Comprehensive guidance, counseling, and other personal services for such children.

New curricula, minority language

(6) The development and use of new curricula and instructional methods, practices, and techniques (and the acquisition of instructional materials relating thereto) to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups.

Career education.

(7) Educational programs using shared facilities for career education and other specialized activities.

Innovative interracial programs.

(8) Innovative interracial educational programs or projects involving the joint participation of minority group children and other children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts.

Community activities.

(9) Community activities, including public information efforts, in support of a plan, program, project, or activity described in this title.

Administrative services.

(10) Administrative and auxiliary services to facilitate the success of the program, project, or activity.

Planning and evaluation.

(11) Planning programs, projects, or activities under this title, the evaluation of such programs, projects, or activities, and dissemination of information with respect to such programs, projects, or activities.

Facility remodeling; mobile units.

(12) Repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of instructional equipment) and the lease or purchase of mobile classroom units or other mobile education facilities.

Restriction.

In the case of programs, projects, or activities involving activities described in paragraph (12), the inclusion of such activities must be found to be a necessary component of, or necessary to facilitate, a

program or project involving other activities described in this subsection or subsection (b), and in no case involve an expenditure in excess of 10 per centum of the amount made available to the applicant to carry out the program, project, or activity. The Assistant Secretary shall by regulation define the term "repair or minor remodeling or alteration".

Definition by regulation.

(b) Sums reserved under section 705(a)(2) with respect to any State shall be available for grants to, and contracts with, local educational agencies in that State making application for assistance under section 706(b) to carry out innovative pilot programs and projects which are specifically designed to assist in overcoming the adverse effects of minority group isolation, by improving the educational achievement of children in minority group isolated schools, including only the activities described in paragraphs (1) through (12) of subsection (a), as they may be used to accomplish such purpose.

SPECIAL PROGRAMS AND PROJECTS

Grants, contract authority.

SEC. 708. (a)(1) Amounts reserved by the Assistant Secretary pursuant to section 704(b)(2), which are not designated for the purposes of clause (A) or (B) thereof, or for section 713 shall be available to him for grants and contracts under this subsection.

(2) The Assistant Secretary is authorized to make grants to, and contracts with, State and local educational agencies, and other public agencies and organizations (or a combination of such agencies and organizations) for the purpose of conducting special programs and projects carrying out activities otherwise authorized by this title, which the Assistant Secretary determines will make substantial progress toward achieving the purposes of this title.

(b)(1) From not more than one-half of the sums reserved pursuant to section 705(a)(3), the Assistant Secretary, in cases in which he finds that it would effectively carry out the purpose of this title stated in section 702(b), may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) to carry out programs or projects designed to support the development or implementation of a plan, program, or activity described in section 706(a).

(2) From the remainder of the sums reserved pursuant to section 705(a)(3), the Assistant Secretary is authorized to make grants to, and contracts with, public and private nonprofit agencies, institutions, and organizations (other than local educational agencies and nonpublic elementary and secondary schools) to carry out programs or projects designed to support the development or implementation of a plan, program, or activity described in section 706(a).

Bilingual education.

(c)(1) The Assistant Secretary shall carry out a program to meet the needs of minority group children who are from an environment in which a dominant language is other than English and who, because of language barriers and cultural differences, do not have equality of educational opportunity. From the amount reserved pursuant to section 704(b)(2)(A), the Assistant Secretary is authorized to make grants to, and contracts with—

(A) private nonprofit agencies, institutions, and organizations to develop curricula, at the request of one or more educational agencies which are eligible for assistance under section 706, designed to meet the special educational needs of minority group children who are from environments in which a dominant language is other than English, for the development of reading, writing, and speaking skills, in the English language and in the language of their parents or grandparents, and to meet the educa-

tional needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members;

(B) local educational agencies eligible for assistance under section 706 for the purpose of engaging in such activities; or

(C) local educational agencies which are eligible to receive assistance under section 706, for the purpose of carrying out activities authorized under section 707(a) of this title to implement curricula developed under clauses (A) and (B) or curricula otherwise developed which the Assistant Secretary determines meets the purposes stated in clause (A).

In making grants and contracts under this paragraph, the Assistant Secretary shall assure that sufficient funds from the amount reserved pursuant to section 704(b)(2)(A) remain available to provide for grants and contracts under clause (C) of this paragraph for implementation of such curricula as the Assistant Secretary determines meet the purposes stated in clause (A) of this paragraph. In making a grant or contract under clause (C) of this paragraph, the Assistant Secretary shall take whatever action is necessary to assure that the implementation plan includes provisions adequate to insure training of teachers and other ancillary educational personnel.

Eligibility; program committee.

(2)(A) In order to be eligible for a grant or contract under this subsection—

(i) a local educational agency must establish a program or project committee meeting the requirements of subparagraph (B), which will fully participate in the preparation of the application under this subsection and in the implementation of the program or project and join in submitting such application; and

(ii) a private nonprofit agency, institution, or organization must (I) establish a program or project board of not less than ten members which meets the requirements of subparagraph (B) and which shall exercise policymaking authority with respect to the program or project and (II) have demonstrated to the Assistant Secretary that it has the capacity to obtain the services of adequately trained and qualified staff.

(B) A program or project committee or board, established pursuant to subparagraph (A) must be broadly representative of parents, school officials, teachers, and interested members of the community or communities to be served, not less than half of the members of which shall be parents and not less than half of the members of which shall be members of the minority group the educational needs of which the program or project is intended to meet.

(3) All programs or projects assisted under this subsection shall be specifically designed to complement any programs or projects carried out by the local educational agency under section 706. The Assistant Secretary shall insure that programs of Federal financial assistance related to the purposes of this subsection are coordinated and carried out in a manner consistent with the provisions of this subsection, to the extent consistent with other law.

METROPOLITAN AREA PROJECTS

SEC. 709. (a) Sums reserved pursuant to section 704(b)(1) shall be available for the following purposes:

(1) A program of grants to, and contracts with, local educational agencies which are eligible under section 706(a)(2) in order to assist them in establishing and maintaining integrated schools as defined in section 720(6).

(2) A program of any grant to groups of local educational agencies located in a Standard Metropolitan Statistical Area for the joint development of a plan to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in the Standard Metropolitan Statistical Area, which shall, as a minimum, provide that by a date certain, but in no event later than July 1, 1983, the percentage of minority group children enrolled in each school in the Standard Metropolitan Statistical Area shall be at least 50 per centum of the percentage of minority group children enrolled in all the schools in the Standard Metropolitan Statistical Area. No grant may be made under this paragraph unless—

Restriction.

(A) two-thirds or more of the local educational agencies in the Standard Metropolitan Statistical Area have approved the application, and

(B) the number of students in the schools of the local educational agencies which have approved the application constitutes two-thirds or more of the number of students in the schools of all the local educational agencies in the Standard Metropolitan Statistical Area.

(3) A program of grants to local educational agencies to pay all or part of the cost of planning and constructing integrated education parks. For the purpose of this paragraph, the term "education park" means a school or cluster of such schools located on a common site. within a Standard Metropolitan Statistical Area, of sufficient size to achieve maximum economy of scale consistent with sound educational practice, providing secondary education, with an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and which is representative of the minority group and nonminority group children in attendance at the schools of the local educational agencies in the Standard Metropolitan Statistical Area, or, if the applicant is a single local educational agency, representative of that of the local educational agency, and a faculty and administrative staff with substantial representation of minority group persons.

"Education park."

(b) In making grants and contracts under this section, the Assistant Secretary shall insure that at least one grant shall be for the purposes of paragraph (2) of subsection (a).

APPLICATIONS

SEC. 710. (a) Any local educational agency desiring to receive assistance under this title for any fiscal year shall submit to the Assistant Secretary an application therefor for that fiscal year at such time, in such form, and containing such information as the Assistant Secretary shall require by regulation. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary. The Assistant Secretary may approve such an application only if he determines that such application—

Public information.

Approval, conditions.

(1) in the case of applications under section 706, sets forth a program under which, and such policies and procedures as will assure that, (A) the applicant will use the funds received under this title only for the activities set forth in section 707 and (B) in the case of an application under section 706(b), the applicant will initiate or expand an innovative program specifically designed to meet the educational needs of children attending one or more minority group isolated schools;

(2) has been developed—

(A) in open consultation with parents, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and Public hearings.

(B) except in the case of applications under section 708(c), with the participation of a committee composed of parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents, and at least half shall be persons from minority groups; Parental committee.

(3) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and with the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B);

(4) sets forth such policies and procedures, and contains such information, as will insure that funds paid to the applicant under the application will be used solely to pay the additional cost to the applicant in carrying out the plan, program, and activity described in the application;

(5) contains such assurances and other information as will insure that the program for which assistance is sought will be administered by the applicant, and that any funds received by the applicant, and any property derived therefrom, will remain under the administration and control of the applicant;

(6) sets forth assurances that the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made;

(7) provides that the plan with respect to which such agency is seeking assistance (as specified in section 706(a)(1)(A) does not involve freedom of choice as a means of desegregation, unless the Assistant Secretary determines that freedom of choice has achieved, or will achieve, the complete elimination of a dual school system in the school district of such agency; Freedom of choice.

(8) provides assurances that for each academic year for which assistance is made available to the applicant under this title such agency has taken or is in the process of taking all practicable steps to avail itself of all assistance for which it is eligible under any program administered by the Commissioner;

(9) provides assurances that such agency will carry out, and comply with, all provisions, terms, and conditions of any plan, program, or activity as described in section 706 or section 708(c) upon which a determination of its eligibility for assistance under this title is based;

(10) sets forth such policies and procedures, and contains such information, as will insure that funds made available to the applicant (A) under this title will be so used (i) as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the program for which assistance is sought, and for promoting the integration of the schools of the applicant, and for the education of children participating in such program, and (ii) in no case, as to supplant such funds from non-Federal sources, and (B) under any other law of the United States will, in accordance with standards established by regulation, be used in coordination with such programs to the extent consistent with such other law; Non-Federal funds, supplantation, prohibition.

(11) in the case of an application for assistance under section 706, provides that the program, project, or activity to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Assistant Secretary, of sufficient magnitude to provide reasonable assurance that the desired funds under this title will not be dispersed in such a way as to undermine their effectiveness;

Private schools.

(12) provides that (A) to the extent consistent with the number of minority group children in the area to be served who are enrolled in private nonprofit elementary and secondary schools which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools, whose participation would assist in achieving the purpose of this title stated in section 702(b) provides assurance that such agency (after consultation with the appropriate private school officials) has made provision for their participation on an equitable basis, and (B) to the extent consistent with the number of children, teachers, and other educational staff in the school district of such agency enrolled or employed in private nonprofit elementary and secondary schools whose participation would assist in achieving the purpose of this title stated in section 702(b) or, in the case of an application under section 708(c), would assist in meeting the needs described in that subsection, such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis;

(13) provides that the applicant has not reduced its fiscal effort for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under this title to less than that of the second preceding fiscal year, and that the current expenditure per pupil which such agency makes from revenues derived from its local sources for the fiscal year for which assistance under this title will be made available to such agency is not less than such expenditure per pupil which such agency made from such revenues for (A) the fiscal year preceding the fiscal year during which the implementation of a plan described in section 706(a)(1)(A) was commenced, or (B) the third fiscal year preceding the fiscal year for which such assistance will be made available under this title, whichever is later;

(14) provides that the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Assistant Secretary;

(15) sets forth effective procedures, including provisions for objective measurement of change in educational achievement and other change to be effected by programs conducted under this title, for the continuing evaluation of programs, projects, or activities under this title, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the community served, and their structure and mechanisms for the delivery of services, and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs or projects; and

Reports.

(16) provides (A) that the applicant will make periodic reports at such time, in such form, and containing such information as the Assistant Secretary may require by regulation, which regulation may require at least—

(i) in the case of reports relating to performance, that the reports be consistent with specific criteria related to the program objectives, and

(ii) that the reports include information relating to educational achievement of children in the schools of the applicant, and (B) that the applicant will keep such records and afford such access thereto as—

Records, accessibility.

(i) will be necessary to assure the correctness of such reports and to verify them, and

(ii) will be necessary to assure the public adequate access to such reports and other written materials.

(b) No application under this section may be approved which is not accompanied by the written comments of a committee established pursuant to clause (2) (B) of subsection (a). The Assistant Secretary shall not approve an application without first affording the committee an opportunity for an informal hearing if the committee requests such a hearing.

Committee comments, hearing opportunity.

(c) In approving applications submitted under this title (except for those submitted under sections 708 (b) and (c) and 711), the Assistant Secretary shall apply only the following criteria:

(1) the need for assistance, taking into account such factors as—

(A) the extent of minority group isolation (including the number of minority group isolated children and the relative concentration of such children) in the school district to be served as compared to other school districts in the State,

(B) the financial need of such school district as compared to other school districts in the State,

(C) the expense and difficulty of effectively carrying out a plan or activity described in section 706 or a program described in section 708(a) in such school district as compared to other school districts in the State, and

(D) the degree to which measurable deficiencies in the quality of public education afforded in such school district exceed those of other school districts within the State;

(2) the degree to which the plan or activity described in section 706(a), and the program or project to be assisted, or the program described in section 708(a) are likely to effect a decrease in minority group isolation in minority group isolated schools, or in the case of applications submitted under section 706 (a) (1) (C) (iii), the degree to which the plan and the program or project, are likely to prevent minority group isolation from occurring or increasing (in the absence of assistance under this title);

(3) the extent to which the plan or activity described in section 706 constitutes a comprehensive districtwide approach to the elimination of minority groups isolation, to the maximum extent practicable, in the schools of such school district;

(4) the degree to which the program, project, or activity to be assisted affords promise of achieving the purpose of this title stated in section 702(b);

(5) that (except in the case of an application submitted under section 708(a)) the amount necessary to carry out effectively the project or activity does not exceed the amount available for assistance in the State under this title in relation to the other applications from the State pending before him; and

(6) the degree to which the plan or activity described in section 706 involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(d) (1) The Assistant Secretary shall not give less favorable con-

sideration to the application of a local educational agency (including an agency currently classified as legally desegregated by the Secretary) which has voluntarily adopted a plan qualified for assistance under this title (due only to the voluntary nature of the action) than to the application of a local educational agency which has been legally required to adopt such a plan.

(2) The Assistant Secretary shall not finally disapprove in whole or in part any application for funds submitted by a local educational agency without first notifying the local educational agency of the specific reasons for his disapproval and without affording the agency an appropriate opportunity to modify its application.

(e) The Assistant Secretary may, from time to time, set dates by which applications shall be filed.

(f) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this title, at least one such agency shall be a local educational agency described in section 706(a) or section 708 (a) or (c) and any one or more of such agencies joining in such application may be authorized to administer such program or project.

(g) No State shall reduce the amount of State aid with respect to the provision of free public education in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title.

EDUCATIONAL TELEVISION

SEC. 711. (a) The sums reserved pursuant to section 704(b)(2)(B) for the purpose of carrying out this section shall be available for grants and contracts in accordance with subsection (b).

(b)(1) The Assistant Secretary shall carry out a program of making grants to, or contracts with, not more than ten public or private nonprofit agencies, institutions, or organizations with the capability of providing expertise in the development of television programing, in sufficient number to assure diversity, to pay the cost of development and production of integrated children's television programs of cognitive and effective educational value.

(2) Television programs developed in whole or in part with assistance provided under this title shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship.

(3) The Assistant Secretary may approve an application under this section only if he determines that the applicant—

(A) will employ members of minority groups in responsible positions in development, production, and administrative staffs;

(B) will use modern television techniques of research and production; and

(C) has adopted effective procedures for evaluating education and other change achieved by children viewing the program.

PAYMENTS

SEC. 712. (a) Upon his approval of an application for assistance under this title, the Assistant Secretary shall reserve from the applicable apportionment (including any applicable reapportionment) available therefor the amount fixed for such application.

(b) The Assistant Secretary shall pay to the applicant such reserved amount, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine.

(c) (1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (12) of section 710(a), the Assistant Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title stated in section 702(b) or in the case of an application under section 708(c) would assist in meeting the needs described in that subsection. The services to be provided through arrangements made by the Assistant Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application. The Assistant Secretary shall pay the cost of such arrangements from such State's allotment or, in the case of an application under section 708(c), from the funds reserved under section 704(b)(2)(A), or in case of an application under section 708(a), from the sums available to the Assistant Secretary under section 704(b)(2) for the purpose of that subsection. Waiver.

(2) In determining the amount to be paid pursuant to paragraph (1), the Assistant Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Assistant Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (12) of section 710(a) he shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Assistant Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

(d) After making a grant or contract under this title, the Assistant Secretary shall notify the appropriate State educational agency of the name of the approved applicant and of the amount approved.

EVALUATIONS

SEC. 713. The Assistant Secretary is authorized to reserve not in excess of 1 per centum of the sums appropriated under this title, and reserved pursuant to section 704(b)(2), for any fiscal year for the purposes of this section. From such reservation, the Assistant Secretary is authorized to make grants to, and contracts with, State educational agencies, institutions of higher education and private organizations, institutions, and agencies, including committees established pursuant to section 710(a)(2) for the purpose of evaluating specific programs and projects assisted under this title.

REPORTS

SEC. 714. The Assistant Secretary shall make periodic detailed reports concerning his activities in connection with the program authorized by this title and the program carried out with appropriations under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380), and the effectiveness of programs and projects assisted under this title in achieving the purpose of this title stated in section 702(b). Such reports shall contain such information as may be necessary to permit adequate evaluation of the program authorized by this title, and shall include application forms, regulations, program guides, and guidelines used in the administration of the program. The report shall be submitted 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. The first report submitted pursuant to this section shall be submitted no later than ninety days after the enactment of this title. Subsequent reports shall be submitted no less often than two times annually.

84 Stat. 803.

Report to President and congressional committees.

JOINT FUNDING

SEC. 715. Pursuant to regulations prescribed by the President, where funds are advanced under this title, and by one or more other Federal agencies for any project or activity funded in whole or in part under this title, any one of such Federal agencies may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose. Nothing in this section shall be construed to authorize (1) the use of any funds appropriated under this title for any purpose not authorized herein, (2) a variance of any reservation or apportionment under section 704 or 705, or (3) waiver of any requirement set forth in sections 706 through 711.

Waiver.

NATIONAL ADVISORY COUNCIL

SEC. 716. (a) There is hereby established a National Advisory Council on Equality of Educational Opportunity, consisting of fifteen members, at least one-half of whom shall be representative of minority groups, appointed by the President, which shall—

Establishment.

(1) advise the Assistant Secretary with respect to the operation of the program authorized by this title, including the preparation of regulations and the development of criteria for the approval of applications;

(2) review the operation of the program (A) with respect to its effectiveness in achieving its purpose as stated in section 702(b), and (B) with respect to the Assistant Secretary's conduct in the administration of the program;

(3) meet not less than four times in the period during which the program is authorized, and submit through the Secretary, to the Congress at least two interim reports, which reports shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program; and

(4) not later than December 1, 1973, submit to the Congress a final report on the operation of the program.

Report to Congress.

(b) The Assistant Secretary shall submit an estimate in the same manner provided under section 400(c) and part D of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its functions.

Ante, p. 326.

GENERAL PROVISIONS

SEC. 717. (a) The provisions of parts C and D of the General Education Provisions Act shall apply to the program of Federal assistance authorized under this title as if such program were an applicable program under such General Education Provisions Act, and the Assistant Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

Ante, p. 326.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act;" after "the International Education Act of 1966;".

Ante, p. 354.
80 Stat. 1066.
20 USC 1171 note.

ATTORNEY FEES

SEC. 718. Upon the entry of a final order by a court of the United States against a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof), for failure to comply with any provision of this title or for discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or the fourteenth amendment to the Constitution of the United States as they pertain to elementary and secondary education, the court, in its discretion, upon a finding that the proceedings were necessary to bring about compliance, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

78 Stat. 252.
42 USC 2000d.
USC prec. title 1.

NEIGHBORHOOD SCHOOLS

SEC. 719. Nothing in this title shall be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis to adopt any other method of student assignment.

DEFINITIONS

SEC. 720. Except as otherwise specified, the following definitions shall apply to the terms used in this title:

(1) The term "Assistant Secretary" means the Assistant Secretary of Health, Education, and Welfare for Education.

(2) The term "current expenditure per pupil" for a local educational agency means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay and debt service, or any expenditure made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom such agency provided free public education during the year for which the computation is made.

(3) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(4) The term "equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(5) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree; or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering. scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner for the purposes of this paragraph.

(6) For the purpose of section 706(a)(2) and section 709(a)(1), the term "integrated school" means a school with an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, in which the proportion of minority group children is at least 50 per centum of the proportion of minority group children enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area, and which has a faculty and administrative staff with substantial representation of minority group persons.

(7) For the purpose of section 706(a)(3), the term "integrated school" means a school with (i) an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and in which the Assistant Secretary determines that the number of nonminority group children constitutes that proportion of the enrollment which will achieve stability, in no event more than 65 per centum thereof, and (ii) a faculty which is representative of the minority group and nonminority group population of the larger community in which it is located, or, whenever the Assistant Secretary determines that the local educational agency concerned is attempting to increase the proportions of minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the minority group and nonminority group faculty employed by the local educational agency.

(8) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a federally recognized Indian reservation, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school and where responsibility for the control and direction of the activities in such schools which are to be assisted under this title is vested in an agency subordinate to such a board or other authority, the Assistant Secretary may consider such subordinate agency as a local educational agency for purpose of this title.

(9)(A) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, Oriental, Alaskan natives, and Hawaiian natives and (ii) (except for the purposes of section 705), as determined by the Assistant Secretary, persons who are from environments in which a dominant language is other than English and who, as a result of language barriers and cultural differences, do not have an equal educational opportunity, and (B) the term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(10) The terms "minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 per centum of the enrollment of a school.

(11) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution 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.

(12) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(13) The term "Standard Metropolitan Statistical Area" means the area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget.

(14) The term "State" means one of the fifty States or the District of Columbia, and for purposes of section 708(a), Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be deemed to be States.

(15) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

TITLE VIII—GENERAL PROVISIONS RELATING TO THE ASSIGNMENT OR TRANSPORTATION OF STUDENTS

PROHIBITION AGAINST ASSIGNMENT OR TRANSPORTATION OF STUDENTS TO OVERCOME RACIAL IMBALANCE

SEC. 801. No provision of this Act shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

SEC. 802(a). No funds appropriated for the purpose of carrying out any applicable program 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, except on the express written voluntary request of appropriate local school officials. No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially

inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(b) No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education), the Department of Justice, or any other Federal agency shall, by rule, regulation, order, guideline, or otherwise (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization to use any funds derived from any State or local sources for any purpose, unless constitutionally required, for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education) or any other Federal agency shall urge, persuade, induce, or require any local education agency to undertake transportation of any student where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(c) An applicable program means a program to which the General Education Provisions Act applies.

Ante, p. 326.

PROVISION RELATING TO COURT APPEALS

SEC. 803. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974.

Expiration date.

PROVISION AUTHORIZING INTERVENTION IN COURT ORDERS

SEC. 804. A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, may seek to reopen or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or significantly impinge on his or her educational process.

PROVISION REQUIRING THAT RULES OF EVIDENCE BE UNIFORM

SEC. 805. The rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States.

APPLICATION OF PROVISO OF SECTION 407(a) OF THE CIVIL RIGHTS ACT OF 1964 TO THE ENTIRE UNITED STATES

SEC. 806. The proviso of section 407(a) of the Civil Rights Act of 1964 providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

78 Stat. 248.
42 USC 2000c-6.

42 USC 2000c.

TITLE IX—PROHIBITION OF SEX DISCRIMINATION

SEX DISCRIMINATION PROHIBITED

SEC. 901. (a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

Exceptions.

(1) in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

(2) in regard to admissions to educational institutions, this section shall not apply (A) for one year from the date of enactment of this Act, nor for six years after such date in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education or (B) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of only one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education, whichever is the later;

(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;

(4) this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine; and

(5) in regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(b) Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an

imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: *Provided*, That this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this title of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.

Definition.

(c) For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.

FEDERAL ADMINISTRATIVE ENFORCEMENT

SEC. 902. Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 901 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

Report to congressional committees.

JUDICIAL REVIEW

SEC. 903. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 902, 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 chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title. 80 Stat. 392. 5 USC 701.

PROHIBITION AGAINST DISCRIMINATION AGAINST THE BLIND

SEC. 904. No person in the United States shall, on the ground of blindness or severely impaired vision, be denied admission in any course of study by a recipient of Federal financial assistance for any education program or activity, but nothing herein shall be construed to require any such institution to provide any special services to such person because of his blindness or visual impairment.

EFFECT ON OTHER LAWS

SEC. 905. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

AMENDMENTS TO OTHER LAWS

SEC. 906. (a) Sections 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c–6(a)(2), 2000c–9, and 2000h–2) are each amended by inserting the word "sex" after the word "religion". 78 Stat. 246, 266.

(b)(1) Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by inserting after the words "the provisions of section 6" the following: "(except section 6(d) in the case of paragraph (1) of this subsection)". 75 Stat. 71; 80 Stat. 833. 77 Stat. 56. 29 USC 206.

(2) Paragraph (1) of subsection 3(r) of such Act (29 U.S.C. 203(r)(1)) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school". 80 Stat. 831.

(3) Section 3(s)(4) of such Act (29 U.S.C. 203(s)(4)) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

INTERPRETATION WITH RESPECT TO LIVING FACILITIES

SEC. 907. Notwithstanding anything to the contrary contained in this title, nothing contained herein shall be construed to prohibit any educational institution receiving funds under this Act, from maintaining separate living facilities for the different sexes.

TITLE X—ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

Sec. 1001. (a) Part A of Title IV of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new subpart: *Ante*, p. 247.

"Subpart 5—Assistance to Institutions of Higher Education

"PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

"SEC. 419. (a) Each institution of higher education shall be entitled for each fiscal year to a cost-of-education payment in accordance with the provisions of this section.

"(b) (1) The amount of the cost-of-education payment to which an institution shall be entitled under this section for a fiscal year shall be, subject to subsection (d), the amount determined under paragraph (2) (A) plus the amount determined under paragraph (2) (B).

"(2) (A) (i) The Commissioner shall determine the amount to which an institution is entitled under this subparagraph on the basis of the total number of undergraduate students who are in attendance at the institution and the number of students who are also recipients of basic grants under subpart 1, in accordance with the following table:

Ante, p. 248.

"If the total number of students in attendance is—	The amount of the grant is—
Not over 1,000	$500 for each recipient.
Over 1,000 but not over 2,500	$500 for each of 100 recipients; plus $400 for each recipient in excess of 100.
Over 2,500 but not over 5,000	$500 for each of 100 recipients; plus $400 for each of 150 recipients in excess of 100; plus $300 for each recipient in excess of 250.
Over 5,000 but not over 10,000	$500 for each 100 recipients; plus $400 for each of 150 recipients in excess of 100; plus $300 for each of 250 recipients in excess of 250; plus $200 for each recipient in excess of 500.
Over 10,000	$500 for each of the 100 recipients; plus $400 for each of 150 recipients in excess of 100; plus $300 for each of 250 recipients in excess of 250; plus $200 for each of 500 recipients in excess of 500; plus $100 for each recipient in excess of 1,000.

"(ii) In any case where a recipient of a basic grant under subpart 1 attends an institution receiving a cost-of-education payment under this subpart on less than a full-time basis, the amount determined under this subparagraph with respect to that student shall be reduced in proportion to the degree to which that student is not attending on a full-time basis.

"(iii) If during any period of any fiscal year the funds available for making payments on the basis of entitlements established under this subparagraph are insufficient to satisfy fully all such entitlements, the amount paid with respect to each such entitlement shall be ratably reduced. When additional funds become available for such purpose, the amount of payment from such additional funds shall be in proportion to the degree to which each such entitlement is unsatisfied by the payments made under the first sentence of this division.

"(B) (i) The Commissioner shall determine with respect to each institution an amount equal to the appropriate per centum (specified on the table below) of the aggregate of—

"(I) supplemental educational opportunity grants under subpart 2;

Ante, p. 251.

"(II) work-study payments under part C; and

Ante, p. 271.

"(III) loans to students under part E;

Ante, p. 273.

made for such year to students who are in attendance at such institution. The Commissioner shall determine such amounts on the basis of percentages of such aggregate, and the number of students in attendance at institutions during the most recent academic year ending prior to such fiscal year, in accordance with the following table:

"If the number of students in attendance at the institution is—	The percentage of such aggregate shall be—
Not over 1,000	50 per centum.
Over 1,000 but not over 3,000	46 per centum.
Over 3,000 but not over 10,000	42 per centum.
Over 10,000	38 per centum.

"(ii) If during any period of any fiscal year the funds available for making payments on the basis of entitlements established under this subparagraph are insufficient to satisfy fully all such entitlements, the amount paid with respect to each such entitlement shall be ratably reduced. When additional funds become available for such purpose, the amount of payment from such additional funds shall be in proportion to the degree to which each such entitlement is unsatisfied by the payments made under the first sentence of this division.

"(3)(A) In determining the number of students in attendance at institutions of higher education under this subsection, the Commissioner shall compute the full-time equivalent of part-time students.

"(B) The Commissioner shall make a separate determination of the number of students in attendance at an institution of higher education and the number of recipients of basic grants at any such institution at each branch or separate campus of that institution located in a different community from the principal campus of that institution pursuant to criteria established by him.

"(c)(1) An institution of higher education may receive a cost-of-education payment in accordance with this section only upon application therefor. An application under this section shall be submitted at such time or times, in such manner, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

"(A) set forth such policies, assurances, and procedures as will insure that—

"(i) the funds received by the institution under this section will be used solely to defray instructional expenses in academically related programs of the applicant;

"(ii) the funds received by the institution under this section will not be used for a school or department of divinity or for any religious worship or sectarian activity;

"(iii) the applicant will expend, during the academic year for which a payment is sought, for all academically related programs of the institution, an amount equal to at least the average amount so expended during the three years preceding the year for which the grant is sought; and

"(iv) the applicant will submit to the Commissioner such reports as the Commissioner may require by regulation; and

"(B) contain such other statement of policies, assurances, and procedures as the Commissioner may require by regulation in order to protect the financial interests of the United States.

"(d)(1) The Commissioner shall pay to each institution of higher education for each fiscal year the amount to which it is entitled under this section.

"(2) Of the total sums appropriated to make payments on the basis of entitlements established under this section and on the basis of entitlements established under part F of title IX— *Post*, p. 380.

"(A) 45 per centum shall be available for making payments on the basis of entitlements established under paragraph (2)(A) of subsection (a);

"(B) 45 per centum shall be available for making payments on the basis of entitlements established under paragraph (2)(B) of subsection (a); and

"(C) 10 per centum shall be available for making payments on the basis of entitlements established under part F of title IX.

"(3) No payments on the basis of entitlements established under paragraph (2)(A) of subsection (a) may be made during any fiscal year for which the appropriations for making grants under subpart 1 does not equal at least 50 per centum of the appropriation necessary

for satisfying the total of all entitlements established under such subpart. In no event shall, during any fiscal year, the aggregate of the payments to which this paragraph applies exceed that percentage of the total entitlements established under such paragraph (2)(A) which equals the percentage of the total entitlements established under subpart 1 which are satisfied by appropriations for such purpose for that fiscal year.

"VETERANS' COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

"SEC. 420. (a)(1) During the period beginning July 1, 1972 and ending June 30, 1975, each institution of higher education shall be entitled to a payment under, and in accordance with, this section during any fiscal year, if the number of persons who are veterans receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or veterans receiving educational assistance under chapter 34 of such title, and who are in attendance as undergraduate students at such institution during any academic year, equals at least 110 per centum of the number of such recipients who were in attendance at such institution during the preceding academic year.

72 Stat. 1171.
38 USC 1501.
80 Stat. 12;
84 Stat. 79.
38 USC 1651.

"(2) During the period specified in paragraph (1), each institution which has qualified for a payment under this section for any year shall be entitled during the succeeding year, notwithstanding paragraph (1), to a payment under and in accordance with this section, if the number of persons referred to in such paragraph (1) equals at least the number of such persons who were in attendance at such institution during the preceding academic year. Each institution which is entitled to a payment for any fiscal year by reason of the preceding sentence shall be deemed, for the purposes of any such year succeeding the year for which it is so entitled, to have been entitled to a payment under paragraph (1) during the preceding fiscal year.

"(b)(1) The amount of the payment to which any institution shall be entitled under this section for any fiscal year shall be—

"(A) $300 for each person who is a veteran receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or a veteran receiving educational assistance under chapter 34 of such title 38, and who is in attendance at such institution as an undergraduate student during such year; and

"(B) in addition, $150, except in the case of persons on behalf of whom the institution has received a payment in excess of $150 under section 419, for each person who has been the recipient of educational assistance under subchapter V or subchapter VI of chapter 34 of such title 38, and who is in attendance at such institution as an undergraduate student during such year.

"(2) In any case where a person on behalf of whom a payment is made under this section attends an institution on less than a full-time basis, the amount of the payment on behalf of that person shall be reduced in proportion to the degree to which that person is not attending on a full-time basis.

"(c)(1) An institution of higher education shall be eligible to receive the payment to which it is entitled under this section only if it makes application therefor to the Commissioner. An application under this section shall be submitted at such time or times, in such manner, in such form, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

"(A) meet the requirements set forth in clauses (A) and (B) of section 419(c)(1);

"(B) set forth such plans, policies, assurances, and procedures as will insure that the applicant will make an adequate effort—

"(i) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education programs, including the provision of educational, vocational, and personal counseling for veterans,

"(ii) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (I) under subchapter V of chapter 34 of title 38, United States Code, and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34, 84 Stat. 79. 38 USC 1690. 38 USC 1695.

"(iii) to carry out active outreach, recruiting, and counseling activities through the use of funds available under federally assisted work-study programs, and

"(iv) to carry out an active tutorial assistance program (including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of such title 38,

except that an institution with less than 2,500 students in attendance (I) which the Commissioner determines, in accordance with regulations jointly prescribed by the Commissioner and the Administrator of Veterans' Affairs (hereinafter referred to as the 'Administrator'), cannot feasibly itself carry out any or all of the programs set forth in subclauses (i) through (iv) of this clause, may carry out such program or programs through a consortium agreement with one or more other institutions of higher education, and (II) shall be required to carry out such programs only to the extent that the Commissioner determines, in accordance with regulations jointly prescribed by the Commissioner and the Administrator, is appropriate in terms of the number of veterans in attendance at such institution. The adequacy of efforts to meet the requirements of clause (B) in the preceding sentence shall be determined by the Commissioner, based upon the recommendation of the Administrator, in accordance with criteria established in regulations jointly prescribed by the Commissioner and the Administrator.

"(2) The Commissioner shall not approve an application under this subsection unless he determines that the applicant will implement the requirements of clause (B) of paragraph (1) within the first academic year during which it receives a payment under this section.

"(d) The Commissioner shall pay to each institution of higher education which has had an application approved under subsection (c) the amount to which it is entitled under this section. Payments under this subsection shall be made in not less than three installments during each academic year and shall be based on the actual number of persons on behalf of whom such payments are made in attendance at the institution at the time of the payment.

"(e) No less than 50 per centum of the amount of payments received by any institution under subsection (d) of this section in each academic year shall be applied by such institution to implement the requirement of subclause (i) of clause (B) of paragraph (1) of subsection (c) of this section, and, to the extent that such 50 per centum amount is not exhausted, the requirements of subclauses (ii), (iii), and (iv) of such clause, except that the Commissioner may, in accordance with criteria established in regulations jointly prescribed by the Commissioner with the Administrator, waive the requirement of this subsection to the extent that he finds that such institution is adequately carrying out all such requirements without the necessity for such application of such amount of the payments received under this subsection.". Waiver.

Ante, p. 304.

(b) Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART F—GENERAL ASSISTANCE TO GRADUATE SCHOOLS

"GENERAL ASSISTANCE GRANTS

"SEC. 981. (a) Each institution of higher education shall, during the period beginning July 1, 1972 and ending June 30, 1975, be entitled to a general assistance grant (hereinafter in this section referred to as 'grant') in accordance with the provisions of this section.

"(b) The amount of a grant to which an institution shall be entitled for any fiscal year shall be $200 multiplied by the number of students in full-time enrollment (including the full-time equivalent of the part-time enrollment for credit) at such institution who are pursuing a program of post-baccalaureate study.

"(c) In order to be eligible for the grant to which it is entitled, an institution shall make application therefor to the Commissioner. Such application shall be submitted at such time or times and in such manner as the Commissioner shall prescribe by regulation. Such application shall be approved if the Commissioner determines that it—

"(1) describes general educational goals and specific objectives of the graduate programs of the institution, and the amount of institutional income needed to meet such goals and objectives;

"(2) provides satisfactory assurance that—

"(A) the proceeds of the grant will be used for programs of the applicant consistent with such goals and objectives,

"(B) current operating support from non-Federal sources for educationally related graduate programs of the applicant has not been reduced in anticipation of funds to be received under this section, and

"(C) the applicant will make such reports as the Commissioner may require including a summary report describing how the grant was expended and an evaluation of its effectiveness in achieving such goals and objectives; and

"(3) contains such provisions as the Commissioner may require by regulation in order to protect the financial interests of the United States.

Waiver.

The Commissioner may waive the requirement set forth in clause (2) (B) in the preceding sentence for any fiscal year if he determines, in accordance with criteria prescribed by regulation, that such waiver would promote the purposes of this section.

"(d)(1) The Commissioner shall pay to each applicant the amount for which it is eligible under this section.

"(2) If, during any period, the funds available for making payments pursuant to paragraph (1) are insufficient to satisfy fully the amounts for which all institutions are eligible under this section, the amounts for which all applicants are eligible shall be ratably reduced.

Prohibition.

"(e) None of the proceeds from a grant may be used to support a school or department of divinity or for religious worship or sectarian instruction.

Report to Congress.

"(f) The Commissioner shall report to Congress not later than 120 days after the end of each fiscal year regarding the effectiveness of assistance under this section in achieving the goals and objectives of institutions of higher education and in encouraging diversity and autonomy among such institutions of higher education. The Commissioner, in such report, shall include such recommendations as may be appropriate regarding the continuation, modification, or extension of assistance under this section.".

(c)(1) Section 401(a) of the Higher Education Act of 1965 is amended (A) by striking out the word "and" at the end of paragraph (3) of such section; (B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "and"; and (C) by adding at the end thereof the following new paragraph: *Ante*, p. 247.

"(5) providing assistance to institutions of higher education.".

(2) Section 401(b) of such Act is amended by striking out "and 4" and inserting in lieu thereof "4 and 5".

(3) Section 491(b)(1) of such Act is amended by inserting after "For the purposes of this title," the following "except subpart 5 of part A,". *Ante*, p. 272.

(d) The total of the payments made under subpart 5 of part A of title IV, of the Higher Education Act of 1965 (except section 420) and under part F of title IX of such Act may not exceed $1,000,000,000 during any fiscal year. *Ante*, p. 375. Limitation. *Ante*, p. 380.

Approved June 23, 1972.

Public Law 92-319

AN ACT

June 23, 1972
[H. R. 5404]

To direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof the condition in a deed dated October 2, 1969, conveying lands in the State of Arkansas to the Arkansas State Game and Fish Commission, which requires that the lands so conveyed be used for public purposes and provides for a reversion of such lands to the United States if at any time they cease to be so used. Arkansas. Land use condition, release. 50 Stat. 525; 56 Stat. 725.

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the Arkansas State Game and Fish Commission in which such State agency, in consideration of the release of such conditions as to such lands, agrees:

(a) that if lands with respect to which the condition is released are exchanged, they shall be exchanged for lands or other property of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes; and

(b) that proceeds from a sale, lease, exchange, or other disposition of lands with respect to which the condition is released shall be held in a separate fund open to inspection by the Secretary of Agriculture and shall be used by the Commission for the acquisition of lands to be held or used for public purposes.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the Arkansas State Game and Fish Commission for the use and benefit of the Commission by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral Mineral interests.

development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of $1. In other areas, the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

"Administrative costs."

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

Approved June 23, 1972.

Public Law 92-320

June 27, 1972
[S. 3166]

AN ACT

To amend the Small Business Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended—

Small Business Act, amendment.
80 Stat. 132; 84 Stat. 1468; 85 Stat. 39.
15 USC 633.

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,300,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$350,000,000".

78 Stat. 526.

SEC. 2. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

Approved June 27, 1972.

Public Law 92-321

June 30, 1972
[S. J. Res. 211]

JOINT RESOLUTION

To amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Consumer Credit Protection Act (82 Stat. 165) is amended as follows:

Consumer Credit Protection Act, amendment.
84 Stat. 440.
15 USC 1601 note.

(1) in section 404(b), by striking out "July 1, 1972" and inserting "December 31, 1972" in lieu thereof;

(2) in section 406(e), by striking out "Ninety days after" and inserting "After" in lieu thereof; and

(3) in section 407, by striking out "$1,500,000" and inserting "$2,000,000" in lieu thereof.

Approved June 30, 1972.

Public Law 92-322

JOINT RESOLUTION

June 30, 1972
[S. J. Res. 72]

Consenting to an extension and renewal of the interstate compact to conserve oil and gas.

Oil and gas conservation compact.
Extension and renewal.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of three years from September 1, 1971, to September 1, 1974, of the interstate compact to conserve oil and gas, as amended, which was signed in its initial form in the city of Dallas, Texas, the 16th day of February 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which, prior to August 27, 1935, was presented to and approved by the legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1969, to September 1, 1971, consented to by Congress by Public Law Numbered 91–158, Ninety-first Congress, approved December 24, 1969. The agreement to amend, extend, and renew said compact effective September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming has been deposited in the Department of State of the United States, and reads as follows:

49 Stat. 939.

83 Stat. 436.

"AN AGREEMENT TO AMEND, EXTEND AND RENEW THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"WHEREAS, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado and Kansas, the original of which is now on deposit with the Department of State of the United States;

"WHEREAS, effective as of September 1, 1971, the several compacting states deem it advisable to amend said compact so as to provide that upon the giving of Congressional consent thereto in its amended form, said Compact will remain in effect until Congress withdraws such consent;

"WHEREAS, the original of said Compact as so amended will, upon execution thereof, be deposited promptly with the Department of State of the United States, a true copy of which follows:

"'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"'ARTICLE I

"'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

"'ARTICLE II

"'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

"'ARTICLE III

"'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"'(a) The operation of any oil well with an inefficient gas-oil ratio.

"'(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

"'(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

"'(d) The creation of unnecessary fire hazards.

"'(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"'(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

"'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

"'ARTICLE IV

"'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

"'ARTICLE V

"'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

"'ARTICLE VI

"'Each state joining herein shall appoint one representative to a commission hereby constituted and designated as THE INTERSTATE OIL COMPACT COMMISSION, the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several states for adoption or rejection.

"'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"'No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting states represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting states at said meeting, such interest to be determined as follows: Such vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting states during said period.

"'ARTICLE VII

"'No state by joining herein shall become financially obligated to any other state, nor shall the breach of the terms hereof by any state subject such state to financial responsibility to the other states joining herein.

"'ARTICLE VIII

"'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.

"'The representatives of the signatory states have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the governor of each of the signatory states.

"'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing state may become a party thereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

"'Done in the City of Dallas, Texas, this sixteenth day of February, 1935.'

"WHEREAS, the said 'Interstate Compact to Conserve Oil and Gas' in its initial form has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1971; and

"WHEREAS, it is desired to amend said 'Interstate Compact to Conserve Oil and Gas' effective September 1, 1971, and to renew and extend said compact as so amended:

"NOW, THEREFORE, THIS WRITING WITNESSETH:

"It is hereby agreed that effective September 1, 1971, the Compact entitled 'An Interstate Compact to Conserve Oil and Gas' executed within the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, be and the same is hereby amended by amending the first paragraph of Article VIII thereof to read as follows:

"'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.'

and that said compact as so amended be, and the same is hereby renewed and extended. This agreement shall become effective when executed, ratified, and approved as provided in Article I of said compact as so amended.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing State may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned States, at their several State capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF ALASKA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF ARIZONA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF ARKANSAS

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF COLORADO

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF FLORIDA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF ILLINOIS

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF INDIANA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF KANSAS

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF KENTUCKY

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF LOUISIANA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF MARYLAND

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF MICHIGAN

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF MISSISSIPPI

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF MONTANA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF NEBRASKA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF NEW MEXICO

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF NEW YORK

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF NORTH DAKOTA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF OHIO

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF OKLAHOMA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE COMMONWEALTH OF PENNSYLVANIA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF SOUTH DAKOTA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF TENNESSEE

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF TEXAS

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF UTAH

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF WEST VIRGINIA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF WYOMING

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)"

SEC. 2. (a) The Attorney General of the United States shall make a report to Congress not later than two years after the date of enactment of this Act as to whether the activities of the Interstate Oil Compact Commission and the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact, and have been limited to activities related directly to the immediate purpose of such compact as set out in Article II of such compact. Report to Congress.

(b) Section 2 of Public Law 185, Eighty-fourth Congress (69 Stat. 391) is hereby repealed. Repeal.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

Approved June 30, 1972.

Public Law 92-323

AN ACT

To amend the cruise legislation of the Merchant Marine Act, 1936.

June 30, 1972
[H. R. 9552]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1183), is amended as follows: Passenger vessels. Off-season cruises. 75 Stat. 89; 82 Stat. 248; 84 Stat. 215.

(a) Subsection (b) is amended as follows:

(A) By striking out "effective before January 2, 1960, is required for at least one-third of each year, but not" and inserting in lieu thereof "effective before January 2, 1960, is not required".

(B) By striking out "(1) on such service, route, or line for such part of each year" and inserting in lieu thereof "(1) on such service, route, or line for some part or no part of each year".

(C) By striking out "(2) on cruises for all or part of the remainder of each year" and inserting in lieu thereof "(2) on cruises for all or part of each year".

(b) Subsection (d) is amended as follows:

(A) By inserting after the numeral "(1)" the words "except as provided in subdivision (4) of this subsection" and a comma.

(B) By inserting a new subsection (4) to read as follows:

"(4) Any other provisions of the Merchant Marine Act, 1936, or of the Shipping Act, 1916, to the contrary notwithstanding, with the approval of the Secretary of Commerce, it may carry cargo and mail between ports to the extent such carriage is not in direct competition with a carrier offering United States-flag berth service between those ports, or, if such carriage is in direct competition with one or more carriers offering United States-flag berth service between such ports, with the consent of the next scheduled United States-flag carrier, which consent shall not be unreasonably withheld in the judgment of the Maritime Administrator." 49 Stat. 1985. 46 USC 1245. 39 Stat. 728. 46 USC 842.

(c) The first sentence of subsection (e) is amended by inserting after the words "after consideration of all relevant matter presented, shall" the words "approve the proposed cruise" and by striking out the last comma in the sentence and the words "approve the proposed cruise" at the end of the sentence.

Approved June 30, 1972.

Public Law 92-324

AN ACT

June 30, 1972
[H. R. 14423]

To amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions.

Rural Telephone Bank.
Financing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress that the Rural Telephone Bank should have the capability of obtaining adequate funds for its supplementary financing program at the lowest possible costs. In order to effectuate this policy, it will be necessary to expand the market for debentures to be issued by the Telephone Bank. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), is therefore further amended as hereinafter provided.

49 Stat. 1363;
85 Stat. 29.

Debentures,
sale to Treasury.
85 Stat. 34.
7 USC 947.

SEC. 2. Section 407 of the Rural Electrification Act of 1936, as amended, is amended by inserting "(a)" immediately preceding the first sentence thereof and adding at the end thereof the following:

"(b) The Telephone Bank is also authorized to issue telephone debentures to the Secretary of the Treasury, and the Secretary of the Treasury may in his discretion purchase any such debentures, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force are extended to include such purchases. Each purchase of telephone debentures by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the telephone debentures acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such debentures under this subsection shall be treated as public debt transactions of the United States.".

40 Stat. 288;
85 Stat. 5.
31 USC 774.

SEC. 3. The right to repeal, alter, or amend this Act is expressly reserved.

Effective date.

SEC. 4. This Act shall take effect upon enactment.

Approved June 30, 1972.

Public Law 92-325

AN ACT

June 30, 1972
[S. 3715]

To amend and extend the Defense Production Act of 1950.

Defense Production Act of 1950, amendment.
65 Stat. 133;
78 Stat. 235.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(b)), is amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1985".

67 Stat. 131;
84 Stat. 796.

SEC. 2. The first sentence of section 717(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2166(a)), is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1974".

Approved June 30, 1972.

Public Law 92-326

AN ACT

June 30, 1972
[H. R. 7088]

To provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes.

Tinicum National Environmental Center, Pa. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the preservation from imminent destruction, the last remaining true tidal marshland in the Commonwealth of Pennsylvania, with its highly significant ecological features, including prime habitat for many species of wildlife, and a feeding and resting place for migratory wildfowl, the Secretary of the Interior is authorized and directed to establish the Tinicum National Environmental Center and administer same as a unit of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd–668ee).

82 Stat. 359; 83 Stat. 283.

Land acquisition.

SEC. 2. In fulfillment of the purposes of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, by exchange of federally owned lands in the vicinity, or otherwise, such lands or interests therein, or other property in the counties of Delaware and Philadelphia, Commonwealth of Pennsylvania, as he may deem necessary for the purpose of preserving, restoring, and developing the natural area known as Tinicum Marsh. The area to be acquired for the foregoing purposes shall not exceed 1200 acres: *Provided, however*, That said limitation shall not preclude such boundary adjustments as may be deemed necessary for effective administration of the Tinicum National Environmental Center. Lands or interests therein, title to which is held by the Commonwealth of Pennsylvania or a political subdivision thereof, may be acquired only by donation. A description by metes and bounds of the proposed Tinicum National Environmental Center shall be published in the Federal Register, and a scale drawing thereof shall be available in the Office of the Secretary, and such other place or places in the immediate vicinity of the proposed center as will afford all interested parties easy access to information respecting the proposed center.

Publication in Federal Register.

Boundaries.

The area to be acquired will be generally bounded on the west by Wanamaker Avenue, on the south by Interstate Highway I–95, on the east by the easterly edge of the Tinicum Wildlife Preserve and the lands owned by the United States Department of the Interior and the United States Army Corps of Engineers, and on the north by the developed areas and parklands of Darby Township, Folcroft, Norwood, and Prospect Park Boroughs, exclusive of the portion of marshland which has been filled by the Folcroft Landfill Corporation.

Wildlife interpretative center.

SEC. 3. The Secretary shall construct, administer, and maintain at an appropriate site within the Tinicum National Environmental Center hereby authorized a wildlife interpretative center for the purpose of promoting environmental education, and to afford visitors an opportunity for the study of wildlife in its natural habitat.

Federal property, transfer.

SEC. 4. Notwithstanding any other provision of law, any Federal property located within any of the areas described under the provisions of the second section of this Act may, with the concurrence of the head 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 the Act.

Cooperative agreements.

SEC. 5. The Secretary of the Interior may enter into cooperative agreements with the Commonwealth of Pennsylvania, political subdivisions thereof, corporations, associations, or individuals to carry out the provisions of the Act.

Record-keeping.

SEC. 6. (a) Each party with whom a cooperative agreement is entered into under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of any funds received under the cooperative agreement, the total cost of any project or undertaking in connection with the cooperative agreement entered into, and the amount and nature 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 party to the cooperative agreement that are pertinent to the cooperative agreements entered into under this Act.

Appropriation.

SEC. 7. There are hereby authorized to be appropriated $2,250,000 to carry out the provisions of this Act.

Approved June 30, 1972.

Public Law 92-327

AN ACT

June 30, 1972
[H. R. 9580]

To authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws.

D.C.
Interstate agreement, authorization.
Motor vehicle fees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, which shall stipulate that any person—

(1) who operates in the District of Columbia and in the State which is a party to the agreement a single unit motor vehicle which has three or more axles and which is designed to unload itself;

(2) who has registered that motor vehicle in the District of Columbia or in that State; and

(3) who but for the agreement is required to pay the fee for an annual hauling permit prescribed by the fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5–316), and a similar fee imposed on the motor vehicle by that State;

41 Stat. 69; 84 Stat. 1930.

shall not be required to pay a fee described in paragraph (3) which is imposed by a jurisdiction other than the jurisdiction in which the motor vehicle is registered. If the Commissioner enters into an interstate agreement under this Act, he may adjust the annual hauling permit fees of the District of Columbia referred to in paragraph (3) so that the total amount of fees (including registration and inspection fees) required for the operation in the District of Columbia and in each State which is a party to such agreement of the vehicles referred to in paragraph (1) shall be uniform.

Fees, uniformity.

Traffic law enforcement.

SEC. 2. The Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, pursuant to which the parties to such agreement may assist each other in the enforcements of its laws relating to traffic (including parking violations).

Approved June 30, 1972.

Public Law 92-328

AN ACT

To amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

June 30, 1972
[S. 3338]

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

Veterans' Compensation and Relief Act of 1972.

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Compensation and Relief Act of 1972".

TITLE I—COMPENSATION AND OTHER BENEFITS

SEC. 101. (a) Section 314 of title 38, United States Code, is amended— 84 Stat. 787.

(1) by striking out "$25" in subsection (a) and inserting in lieu thereof "$28";

(2) by striking out "$46" in subsection (b) and inserting in lieu thereof "$51";

(3) by striking out "$70" in subsection (c) and inserting in lieu thereof "$77";

(4) by striking out "$96" in subsection (d) and inserting in lieu thereof "$106";

(5) by striking out "$135" in subsection (e) and inserting in lieu thereof "$149";

(6) by striking out "$163" in subsection (f) and inserting in lieu thereof "$179";

(7) by striking out "$193" in subsection (g) and inserting in lieu thereof "$212";

(8) by striking out "$223" in subsection (h) and inserting in lieu thereof "$245";

(9) by striking out "$250" in subsection (i) and inserting in lieu thereof "$275";

(10) by striking out "$450" in subsection (j) and inserting in lieu thereof "$495";

(11) by striking out "$560" and "$784" in subsection (k) and inserting in lieu thereof "$616" and "$862", respectively;

(12) by striking out "$560" in subsection (l) and inserting in lieu thereof "$616";

(13) by striking out "$616" in subsection (m) and inserting in lieu thereof "$678";

(14) by striking out "$700" in subsection (n) and inserting in lieu thereof "$770";

(15) by striking out "$784" in subsections (o) and (p) and inserting in lieu thereof "$862";

(16) by striking out "$336" in subsection (r) and inserting in lieu thereof "$370"; and

(17) by striking out "$504" in subsection (s) and inserting in lieu thereof "$554".

(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. 72 Stat. 1263. 38 USC prec. 101 note. 38 USC 301.

Dependents, additional compensation.
84 Stat. 788.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$28" in subparagraph (A) and inserting in lieu thereof "$31";

(2) by striking out "$48" in subparagraph (B) and inserting in lieu thereof "$53";

(3) by striking out "$61" in subparagraph (C) and inserting in lieu thereof "$67";

(4) by striking out "$75" and "$14" in subparagraph (D) and inserting in lieu thereof "$83" and "$15", respectively;

(5) by striking out "$19" in subparagraph (E) and inserting in lieu thereof "$21";

(6) by striking out "$33" in subparagraph (F) and inserting in lieu thereof "$36";

(7) by striking out "$48" and "$14" in subparagraph (G) and inserting in lieu thereof "$53" and "$15", respectively;

(8) by striking out "$23" in subparagraph (H) and inserting in lieu thereof "$25"; and

(9) by striking out "$44" in subparagraph (I) and inserting in lieu thereof "$48".

72 Stat. 1117; 84 Stat. 203.
38 USC 301-361.

SEC. 103. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Clothing allowance

"The Administrator under regulations which he shall prescribe, shall pay a clothing allowance of $150 per year to each veteran who because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran."

(b) The analysis of such chapter 11 is amended by adding at the end thereof the following:

"362. Clothing allowance.".

Repeal.
72 Stat. 1234.
73 Stat. 435.

SEC. 104. (a) Subsection (a) of section 3203 of title 38, United States Code, is repealed.

(b) Subsection (d) of such section 3203 is redesignated as subsection (a) of such section 3203.

Incompetent veterans, payments.
73 Stat. 298.

(c) Paragraphs (1) and (2) of subsection (b) of such section 3203 are redesignated as paragraph (1) and as so redesignated are amended to read as follows:

"(b)(1) In any case in which a veteran having neither wife nor child is being furnished hospital treatment, institutional or domiciliary care without charge or otherwise by the United States, or any political subdivision thereof, is rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, and his estate from any source equals or exceeds $1,500, further payments of pension, compensation, or emergency officers' retirement pay shall not be made until the estate is reduced to $500. The amount which would be payable but for this paragraph shall be paid to the veteran in a lump sum; however, no payment of a lump sum herein authorized shall be made to the veteran until after the expiration of six months following a finding of competency and in the event of the veteran's death before payment of such lump sum no part thereof shall be payable."

72 Stat. 1235; 73 Stat. 298.

(d) Paragraphs (3) and (4) of subsection (b) of such section 3203 are redesignated as paragraphs (2) and (3), respectively; and the references in said redesignated paragraph (2) to "paragraph (2)"

and "Paragraph (2)" are changed to "paragraph (1)" and "Paragraph (1)", respectively.

(e) Subsection (c) of such section 3203 is amended by deleting "(a) or". 72 Stat. 1235.

(f) Subsection (e) of such section 3203 is amended by deleting ", compensation, or retirement pay"; and as so amended is redesignated as subsection (d). 73 Stat. 435.

(g) Subsection (f) of such section 3203 is redesignated as subsection (e). 78 Stat. 504.

SEC. 105. (a) Subsection (d) of section 3202 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "No payment shall be made under the two preceding sentences of this subsection unless claim therefor is filed with the Veterans' Administration within five years after the death of the veteran, except that, if any person so entitled under said two sentences is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability." Filing for death benefit payments, exception. 72 Stat. 1233; 73 Stat. 297.

(b) Section 3021(a) of title 38, United States Code, is amended by deleting "section 3203(a)(2)(A) of this title and". 72 Stat. 1228.

SEC. 106. All compensation or retirement pay which is being withheld pursuant to the provisions of subsections (a) and (b)(1) of section 3203, title 38, United States Code, in effect on the day before the effective date of this Act, shall be paid to the veteran, if competent, in a lump sum. If the veteran is incompetent, the withheld amounts shall be paid in a lump sum, or successive lump sums, subject to the $1,500 and $500 limitations of subsection (b)(1) of such section 3203 as amended by this Act. If a competent veteran dies before payment is made the withheld amounts shall be paid according to the order of precedence, and subject to the time limitation, of subsection (a)(2) of such section 3203 in effect the day before the effective date of this Act. In the event of the death of an incompetent veteran before payment of all withheld amounts, no part of the remainder shall be payable. Lump-sum compensation; retirement payments. *Ante*, p. 394.

SEC. 107. Section 536 of title 38, United States Code, is amended by adding the following new subsection at the end thereof: Spanish-American War veterans, widows' pension. 72 Stat. 1138; 81 Stat. 178, 179.

"(d)(1) Any widow eligible for pension under this section shall, if she so elects, be paid pension at the rates prescribed by section 541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to widows of veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in paragraph (2). 73 Stat. 434; 85 Stat. 663, 664.

"(2) The Administrator shall pay each month to the widow of each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that which is payable to her under subsections (a) and (b) of this section as increased by section 544 of this title; or (B) that which is payable under section 541 of this title, as increased by such section 544, to a widow of a World War I veteran with the same annual income and corpus of estate. Each change in the amount of pension required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor." 81 Stat. 180; 84 Stat. 1583. Effective date.

72 Stat. 1123.

SEC. 108. (a) Section 334 of title 38, United States Code, is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "that specified in section 314 of this title."

(b) Section 335 of such title is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "as provided in section 315 of this title."

Repeal.

(c) Section 336 of such title is hereby repealed.

(d) The table of sections at the beginning of subchapter IV of chapter 11 of title 38, United States Code, is amended by striking out the following:

"336. Conditions under which wartime rates are payable."

TITLE II—RELIEF FROM ADMINISTRATIVE ERROR, OVERPAYMENTS, AND FORFEITURE

80 Stat. 1376.

SEC. 201. Section 210(c) of title 38, United States Code, is amended by adding an additional subsection (3), reading as follows:

"(3)(A) If the Administrator determines that any veteran, widow, child of a veteran, or other person, has suffered loss as a consequence of reliance upon a determination by the Veterans' Administration of eligibility or entitlement to benefits, without knowledge that it was erroneously made, he is authorized to provide such relief on account of such error as he determines equitable, including the payment of moneys to any person whom he determines equitably entitled thereto.

Report to Congress.

"(B) The Administrator shall submit an annual report to the Congress on January 1, 1973, and each succeeding year containing a brief summary, including a statement as to the disposition of each case recommended to him for equitable relief under this paragraph."

72 Stat. 1230.

SEC. 202. (a) Section 3102 of title 38, United States Code, is amended to read as follows:

"§ 3102. Waiver of recovery of claims by the United States

"(a) There shall be no recovery of payments or overpayments of any benefits under any of the laws administered by the Veterans' Administration whenever the Administrator determines that recovery would be against equity and good conscience, if an application for relief is made within two years from the date of notification of the indebtedness by the Administrator to the payee.

"(b) With respect to any loan guaranteed, insured, or made under chapter 37 of this title, the Administrator may waive payment of an indebtedness to the Veterans' Administration by the veteran (as defined in sections 101 and 1801), or his spouse, following default and loss of the property, where the Administrator determines that collection of such indebtedness would be against equity and good conscience.

38 USC 1801.

72 Stat. 1106.
84 Stat. 1576.

"(c) The Administrator may not exercise his authority under subsection (a) or (b) of this section to waive recovery of any payment or the collection of any indebtedness if, in his opinion, there exists in connection with the claim for such waiver an indication of fraud, misrepresentation, material fault, or lack of good faith on the part of the person or persons having an interest in obtaining a waiver of such recovery or the collection of such indebtedness.

"(d) No certifying or disbursing officer shall be liable for any amount paid to any person where the recovery of such amount is waived under subsection (a) or (b).

"(e) Where the recovery of a payment or overpayment made from the National Service Life Insurance Fund or United States Government Life Insurance Fund is waived under this section, the fund from which the payment was made shall be reimbursed from the National

Service Life Insurance appropriation or the military and naval insurance appropriation, as applicable."

(b) The waiver authority provided by section 3102(a) of title 38, United States Code, as amended by subsection (a) of this section shall apply to improper payments, overpayments, and indebtedness established by the Administrator prior to the effective date of this Act if application for relief was pending on the date of enactment of this Act, or such an application is made within two years from the date of enactment of this Act.

Ante, p. 396.

SEC. 203. The analysis of chapter 53 of title 38, United States Code, is amended by striking therefrom "3102. Waiver of recovery of overpayments." and inserting in lieu thereof the following:

"3102. Waiver of recovery of claims by the United States.".

SEC. 204. Section 1817 of title 38, United States Code, is amended by inserting "(a)" immediately before "Whenever any veteran" and by adding a new subsection (b) as follows:

72 Stat. 1212.

"(b) If any veteran disposes of residential property securing a guaranteed, insured, or direct loan obtained by him under this chapter without receiving a release from liability with respect to such loan under subsection (a), and a default subsequently occurs which results in liability of the veteran to the Administrator on account of the loan, the Administrator may relieve the veteran of such liability if he determines, after such investigation as he deems appropriate, that the property was disposed of by the veteran in such a manner, and subject to such conditions, that the Administrator would have issued the veteran a release from liability under subsection (a) with respect to the loan if the veteran had made application therefor incident to such disposal. Failure of a transferee to assume by contract all of the liabilities of the original veteran-borrower shall bar such release of liability only in cases in which no acceptable transferee, either immediate or remote, is legally liable to the Administrator for the indebtedness of the original veteran-borrower arising from termination of the loan. The failure of a veteran to qualify for release from liability under this subsection does not preclude relief from being granted under subsection 3102(b) of this title, if eligible thereunder."

Liability, release.

SEC. 205. Section 1820(a)(4) of title 38, United States Code, is amended by striking out that part of the section beginning with "and the authority to waive" and ending with "a severe hardship upon the veteran;".

77 Stat. 271.

SEC. 206. Subsection (d) of section 3503 of title 38, United States Code, is amended by inserting "(1)" after "(d)" and adding at the end thereof the following:

73 Stat. 452.

"(2) The Administrator is hereby authorized and directed to review all cases in which, because of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, a forfeiture of gratuitous benefits under laws administered by the Veterans' Administration was imposed, pursuant to this section or prior provisions of law, on or before September 1, 1959. In any such case in which he determines that the forfeiture would not have been imposed under the provisions of this section in effect after September 1, 1959, he shall remit the forfeiture, effective the date of enactment of this amendatory Act. Benefits to which the individual concerned becomes eligible by virtue of any such remission may be awarded, upon application therefor, and the effective date of any award of compensation, dependency and indemnity compensation, or pension made in such a case shall be fixed in accordance with the provisions of section 3010(g) of this title."

Forfeiture of benefits, remission.

76 Stat. 948.

TITLE III—EFFECTIVE DATES

SEC. 301. (a) Sections 101 through 107 of this Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

(b) Section 108 shall take effect on July 1, 1973.

(c) Sections 201 through 206 of this Act shall take effect upon the date of enactment of this Act.

Approved June 30, 1972.

Public Law 92-329

AN ACT

June 30, 1972
[H. R. 15587]

To provide for a six-month extension of the emergency unemployment compensation program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(f) of Public Law 92-224 (relating to termination dates for purposes of the Emergency Unemployment Compensation Act of 1971) is amended—

Emergency unemployment compensation program.
Extension.
85 Stat. 811.
26 USC 3304 note.

(1) by striking out "June 30, 1972" and inserting in lieu thereof "December 31, 1972",

(2) by striking out "September 30, 1972" and inserting in lieu thereof "March 31, 1973", and

(3) by striking out "July 1, 1972" and inserting in lieu thereof "January 1, 1973".

84 Stat. 713.
26 USC 3301.

SEC. 2. (a) Section 3301 of the Internal Revenue Code of 1954 (relating to rate of Federal unemployment tax) is amended by adding at the end thereof the following new sentence: "In the case of wages paid during the calendar year 1973, the rate of such tax shall be 3.28 percent in lieu of 3.2 percent."

83 Stat. 91; 84 Stat. 696.

(b) Section 6157(b) of the Internal Revenue Code of 1954 (relating to payment of Federal unemployment tax on quarterly or other time period basis) is amended by adding at the end thereof the following new sentence: "In the case of wages paid in any calendar quarter or other period during 1973, the amount of such wages shall be multiplied by 0.58 percent in lieu of 0.5 percent."

84 Stat. 716.
42 USC 1105.

(c) Section 905(b)(1) of the Social Security Act is amended by adding at the end thereof the following new sentence: "In the case of any month after March 1973 and before April 1974, the first sentence of this paragraph shall be applied by substituting 'thirteen fifty-eighths' for 'one-tenth'."

85 Stat. 814.
42 USC 1103.

(d) Section 903(b)(3) of the Social Security Act is amended by adding at the end thereof the following new sentence: "No reduction shall be made under this subsection in the amount transferable to the account of any State by reason of emergency compensation paid to any individual for a week of unemployment ending after June 30, 1972."

(e) The second sentence of section 204(b) of the Emergency Unemployment Compensation Act of 1971 is amended to read as follows: "Amounts appropriated as repayable advances and paid to the States under section 203 shall be repaid, without interest (1) in the case of weeks of unemployment ending before July 1, 1972, as provided in section 903(b)(3) of the Social Security Act, and (2) in the case of weeks of unemployment ending after June 30, 1972, as provided in section 905(d) of such Act."

Approved June 30, 1972.

Public Law 92-330

AN ACT

June 30, 1972
[H. R. 12143]

To provide for the establishment of the San Francisco Bay National Wildlife Refuge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the preservation and enhancement of highly significant wildlife habitat in the area known as south San Francisco Bay in the State of California, for the protection of migratory waterfowl and other wildlife, including species known to be threatened with extinction, and to provide an opportunity for wildlife-oriented recreation and nature study within the open space so preserved, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to establish, as herein provided, a national wildlife refuge to be known as the San Francisco Bay National Wildlife Refuge (hereinafter referred to as the "refuge").

San Francisco Bay National Wildlife Refuge. Establishment.

SEC. 2. There shall be included within the boundaries of the refuge those lands, marshes, tidal flats, salt ponds, submerged lands, and open waters in the south San Francisco Bay area generally depicted on the map entitled "Boundary Map, Proposed San Francisco Bay National Wildlife Refuge", dated July 1971, and which comprise approximately twenty-one thousand six hundred and sixty-two acres within four distinct units to be known as Fremont (five thousand five hundred and twenty acres), Mowry Slough (seven thousand one hundred and seventy-five acres), Alviso (three thousand and eighty acres), and Greco Island (five thousand eight hundred and eighty-seven acres). Said boundary map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Description.

SEC. 3. (a) The Secretary shall establish the refuge by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable refuge have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make corrections in the boundaries of the refuge, but the total area within the boundaries shall not exceed twenty-three thousand acres of land, marshes, tidal flats, salt ponds, submerged lands, and open waters.

Publication in Federal Register.

(b) Prior to the establishment of the refuge and thereafter, the Secretary shall administer the lands, waters, and interests therein acquired for the refuge in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd–668ee); except that the Secretary may utilize such additional statutory authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate to carry out the purposes of this Act.

Administration.

82 Stat. 359; 83 Stat. 283.

SEC. 4. The Secretary may acquire lands and waters or interests therein within the boundaries of the refuge by donation, purchase with donated or appropriated funds, or exchange: *Provided, however*, That lands, waters, and interests therein owned by the State of California or any political subdivision thereof may be acquired only by donation.

Lands, waters, acquisition.

Appropriation, limitation.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for the period beginning July 1, 1972, and ending June 30, 1977, not to exceed, however, $9,000,000 for the acquisition of lands and interests therein as authorized by section 4 of this Act, and not to exceed $11,300,000 for the carrying out of the other provisions of this Act.

Approved June 30, 1972.

Public Law 92-331

June 30, 1972
[S. 3104]

AN ACT

To amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports.

Cotton crop reports.
Issuance with general crop reports.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 3, 1924, as amended (43 Stat. 115, 44 Stat. 1373, 60 Stat. 940, 72 Stat. 149; 7 U.S.C. 475), is amended to read as follows:

"COTTON CROP REPORTS.—The Secretary of Agriculture shall cause to be issued as of the first of each month during the cotton growing and harvesting season from August to January inclusive, reports describing the condition and progress of the crop and stating the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate. No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting board consisting of five members or more to be designated by him. Not less than three members of the board shall be supervisory field statisticians of the Department of Agriculture who are located in different sections of the cotton-growing States, are experienced in estimating cotton production, and have first-hand knowledge of the condition of the cotton crop based upon recent field observations. A majority of the members of the board shall be familiar with the methods and practices of producing cotton."

Reporting board; membership.

SEC. 2. Section 1 of the Act of May 27, 1912, as amended (37 Stat. 118, 44 Stat. 1374, 72 Stat. 149; 7 U.S.C. 476), is amended by striking out "10th" and inserting in lieu thereof "12th" by deleting "August 1" and inserting in lieu thereof "or before the 12th day of August", and by deleting "December 1" and inserting in lieu thereof "on or before the 12th day of December".

68 Stat. 1017.

SEC. 3. Section 45 of title 13, United States Code, is amended to read as follows:

"§ 45. Simultaneous publication of cotton reports

"The reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate."

SEC. 4. Section 42, paragraph (a) of title 13, United States Code, is amended to read as follows:

"(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton growing States in which cotton has been ginned."

Approved June 30, 1972.

Public Law 92-332

JOINT RESOLUTION

June 30, 1972
[H. J. Res. 812]

To authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the joint resolution approved August 11, 1955 (69 Stat. 694), providing for the establishment of a Commission to formulate plans for a memorial to Franklin Delano Roosevelt, is amended by redesignating section 3 as section 4 and inserting the following new section:

Franklin Delano Roosevelt Memorial Commission.
84 Stat. 837.

"SEC. 3. The Secretary of the Interior is authorized, upon the request of the Commission, to participate in the planning and design of the memorial."

(b) Section 4, as herein redesignated, of such joint resolution is amended to read as follows:

"SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution."

Appropriation.

Approved June 30, 1972.

Public Law 92-333

AN ACT

June 30, 1972
[H. R. 10595]

To restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Virginia, its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, The Robert E. Lee Memorial.

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 dedicating the Lee Mansion in Arlington National Cemetery a permanent memorial to Robert E. Lee", approved June 29, 1955 (69 Stat. 190), is amended by striking "the Custis-Lee Mansion" each place it appears therein and inserting in lieu thereof "Arlington House, The Robert E. Lee Memorial". Any law, map, regulation, document, record, or other paper of the United States in which such mansion is designated or referred to as the Custis-Lee Mansion shall be held to designate or refer to such mansion as "Arlington House, The Robert E. Lee Memorial".

Custis-Lee Mansion.
Name change.

Approved June 30, 1972.

Public Law 92-334

JOINT RESOLUTION

July 1, 1972
[H. J. Res. 1234]

Making continuing appropriations for the fiscal year 1973, and for other purposes.

Continuing appropriations, 1973.

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 1973, namely:

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 1972 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1973:

District of Columbia Appropriation Act;

Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act;

Legislative Branch Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;

Department of Transportation and Related Agencies Appropriation Act;

Department of the Interior and Related Agencies Appropriation Act;

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act;

Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act;

Treasury, Postal Service, and General Government Appropriation Act; and

Agriculture-Environmental and Consumer Protection Appropriation Act.

(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 is different from that which would be available or granted under such Act as passed by the Senate, 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 1973, 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 or where an item is included in only one version of an Act as passed by both Houses, 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: *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 1972, 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 1972 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 Department of Defense Appropriation Act, 1972: *Provided*, That none of the funds made available by this joint resolution shall be used for Exercise Reforger or Exercise Crested Cap or similar dual base exercises; 85 Stat. 716.

activities for which provision was made in the Military Construction Appropriation Act, 1972; 85 Stat. 482.

activities for which provision was made in the Foreign Assistance and Related Programs Appropriation Act, 1972, notwithstanding section 10 of Public Law 91–672, and section 655(c) of the Foreign Assistance Act of 1961, as amended; *Ante*, p. 48. 84 Stat. 2055. 22 USC 2412. *Ante*, p. 29.

activities for which provision was made in the National Traffic and Motor Vehicle Safety Act of 1966, as amended; 80 Stat. 718. 15 USC 1381 note.

activities for continuation of high-speed ground transportation research and development;

activities under the Economic Opportunity Act of 1964, as amended, for which provision was made in the Supplemental Appropriations Act, 1972; the Office of Education and Related Agencies Appropriation Act, 1972; and the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1972; 42 USC 2701 note. 85 Stat. 627. 85 Stat. 103. 85 Stat. 285.

activities for higher education, library resources and educational renewal, for which provision was made in the Office of Education and Related Agencies Appropriation Act, 1972;

activities for social and rehabilitation services, the Office of Child Development, and maternal and child health project grants, for which provision was made in the Department of Health, Education, and Welfare Appropriation Act, 1972, and the Supplemental Appropriations Act, 1972; 85 Stat. 289.

activities for work incentives for which provision was made in the Department of Health, Education, and Welfare Appropriation Act, 1972;

activities of the American Revolution Bicentennial Commission;

activities of the Corporation for Public Broadcasting;

activities in support of Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1477), notwithstanding Section 703 of that Act; and 62 Stat. 6. 22 USC 1431 note.

activities for which provision was made in the Treasury, Postal Service, and General Government Appropriation Act, 1972, for the National Industrial Reserve established by the National Industrial Reserve Act of 1948 (50 U.S.C. 451–462). *Ante*, p. 114. 85 Stat. 108. 62 Stat. 1225.

(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 1973.

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate—

activities for (1) civil rights education, for which provision was made in the Supplemental Appropriations Act, 1972; (2) emergency school assistance activities for which provision was made in the Joint Resolution of July 1, 1971 (Public Law 92–38); (3) youth development and delinquency prevention for which provision was made in the Department of Health, Education, and Welfare Appropriation Act, 1972; (4) aid to land-grant colleges, grants for construction of undergraduate facilities, undergraduate instructional equipment, equipment and minor remodeling, and research and development for which provision was made in the Office of Education Appropriation Act, 1972; and (5) functions transferred to the Action agency by Reorganization Plan Numbered 1 of 1971 and Executive Order 11603 approved July 1, 1971.

85 Stat. 627.
85 Stat. 89.
85 Stat. 289.
85 Stat. 103.
85 Stat. 819.
42 USC 2992 note.
22 USC 2501 note.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution 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) August 18, 1972, 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 subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

31 USC 665.

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 which was not being conducted during the fiscal year 1972.

SEC. 107. Any appropriation for the fiscal year 1973 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, 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 section 3679 of the Revised Statutes, as amended.

Approved July 1, 1972.

Public Law 92-335

JOINT RESOLUTION

To extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development.

July 1, 1972
[S. J. Res. 250]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Housing.
Certain laws, extension.

FLEXIBLE INTEREST RATE AUTHORITY

SECTION 1. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709–1), is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

85 Stat. 775.

EXTENSION OF MODEL CITIES AUTHORIZATION

SEC. 2. Section 111(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

82 Stat. 602; 84 Stat. 1780. 42 USC 3311.

EXTENSION OF COMMUNITY FACILITIES AUTHORIZATIONS

SEC. 3. Section 708(b) of the Housing and Urban Development Act of 1965 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

79 Stat. 493; 84 Stat. 1780. 42 USC 3108.

EXTENSION OF COMPREHENSIVE PLANNING AUTHORIZATION

SEC. 4. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

84 Stat. 1780. 40 USC 461.

EXTENSION OF OPEN-SPACE LAND AUTHORIZATION

SEC. 5. Section 708 of the Housing Act of 1961 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

84 Stat. 1783. 42 USC 1500d.

EXTENSION OF WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 6. Section 3 of the joint resolution entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", approved December 22, 1971, is amended by striking out "6 months" and inserting in lieu thereof "9 months".

85 Stat. 775. 12 USC 1717 note.

SEC. 7. Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "June 30, 1972" and inserting in lieu thereof "September 30, 1972".

85 Stat. 776. 42 USC 3102.

Approved July 1, 1972.

Public Law 92-336

AN ACT

July 1, 1972
[H. R. 15390]

To provide for a four-month extension of the present temporary level in the public debt limitation, and for other purposes.

Public debt limit; disaster losses; Social Security Act, amendments.
Ante, p. 63.
85 STAT. 5.
76 Stat. 51.
26 USC 165.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 92-250 and section 2(a) of Public Law 92-5 are each amended by striking out "June 30, 1972," and inserting in lieu thereof "October 31, 1972,".

SEC. 2. (a) Section 165(h)(1) of the Internal Revenue Code of 1954 (relating to disaster losses) is amended to read as follows:

"(1) attributable to a disaster which occurs during the period after the close of the taxable year and on or before the last day of the 6th calendar month beginning after the close of the taxable year, and".

Effective date.

(b) The amendment made by subsection (a) shall apply to disasters occurring after December 31, 1971, in taxable years ending after such date.

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY PROGRAM

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS, AND IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 OR OVER

85 Stat. 6.
42 USC 415.

SEC. 201. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1971 Act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basi of his wage. and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$70.40	----------	$76	$84.50	$126.80
$16.21	16.84	71.50	$77	78	85.80	128.80
16.85	17.60	73.10	79	80	87.80	131.70
17.61	18.40	74.50	81	81	89.40	134.20
18.41	19.24	75.80	82	83	91.00	136.50
19.25	20.00	77.40	84	85	92.90	139.40
20.01	20.64	78.80	86	87	94.60	141.90
20.65	21.28	80.10	88	89	96.20	144.30
21.29	21.88	81.70	90	90	98.10	147.20
21.89	22.28	83.10	91	92	99.80	149.70
22.29	22.68	84.50	93	94	101.40	152.20
22.69	23.08	85.80	95	96	103.00	154.50
23.09	23.44	87.40	97	97	104.90	157.40
23.45	23.76	88.90	98	99	106.70	160.10
23.77	24.20	90.60	100	101	108.80	163.20
24.21	24.60	91.90	102	102	110.30	165.50
24.61	25.00	93.40	103	104	112.10	168.20
25.01	25.48	95.10	105	106	114.20	171.30
25.49	25.92	96.60	107	107	116.00	173.90
25.93	26.40	98.20	108	109	117.90	176.90
26.41	26.94	99.70	110	113	119.70	179.60
26.95	27.46	101.10	114	118	121.40	182.10
27.47	28.00	102.70	119	122	123.30	185.00
28.01	28.68	104.20	123	127	125.10	187.70

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1971 Act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
$28.69	$29.25	$105.90	$128	$132	$127.10	$190.70
29.26	29.68	107.30	133	136	128.80	193.20
29.69	30.36	108.70	137	141	130.50	195.80
30.37	30.92	110.40	142	146	132.50	198.80
30.93	31.36	111.90	147	150	134.30	201.50
31.37	32.00	113.30	151	155	136.00	204.00
32.01	32.60	115.00	156	160	138.00	207.00
32.61	33.20	116.40	161	164	139.70	209.60
33.21	33.88	118.00	165	169	141.60	212.40
33.89	34.50	119.50	170	174	143.40	215.20
34.51	35.00	121.00	175	178	145.20	217.80
35.01	35.80	122.60	179	183	147.20	220.80
35.81	36.40	124.00	184	188	148.80	223.20
36.41	37.08	125.70	189	193	150.90	226.40
37.09	37.60	127.20	194	197	152.70	229.10
37.61	38.20	128.60	198	202	154.40	231.60
38.21	39.12	130.30	203	207	156.40	234.60
39.13	39.68	131.80	208	211	158.20	237.30
39.69	40.33	133.10	212	216	159.80	239.70
40.34	41.12	134.80	217	221	161.80	242.70
41.13	41.76	136.30	222	225	163.60	245.40
41.77	42.44	137.90	226	230	165.50	248.30
42.45	43.20	139.40	231	235	167.30	251.00
43.21	43.76	141.10	236	239	169.40	254.10
43.77	44.44	142.50	240	244	171.00	257.80
44.45	44.88	143.90	245	249	172.70	263.10
44.89	45.60	145.60	250	253	174.80	267.30
		147.10	254	258	176.60	272.60
		148.40	259	263	178.10	277.80
		150.10	264	267	180.20	282.00
		151.60	268	272	182.00	287.30
		153.20	273	277	183.90	292.60
		154.70	278	281	185.70	296.80
		156.20	282	286	187.50	302.10
		157.90	287	291	189.50	307.40
		159.20	292	295	191.10	311.60
		160.90	296	300	193.10	316.80
		162.40	301	305	194.90	322.10
		163.80	306	309	196.60	326.40
		165.50	310	314	198.60	331.70
		166.90	315	319	200.30	337.00
		168.30	320	323	202.00	341.20
		170.00	324	328	204.00	346.50
		171.50	329	333	205.80	351.80
		173.20	334	337	207.90	356.00
		174.50	338	342	209.40	361.20
		176.00	343	347	211.20	366.50
		177.70	348	351	213.30	370.70
		179.10	352	356	215.00	376.00
		180.80	357	361	217.00	381.30
		182.20	362	365	218.70	385.50
		183.60	366	370	220.40	390.80
		185.30	371	375	222.40	396.00
		186.80	376	379	224.20	400.40
		188.50	380	384	226.20	405.60
		189.80	385	389	227.80	410.90
		191.30	390	393	229.60	415.10
		193.00	394	398	231.60	420.40
		194.40	399	403	233.30	425.70
		196.10	404	407	235.40	429.90
		197.40	408	412	236.90	435.20
		198.80	413	417	238.60	440.40
		200.20	418	421	240.30	444.60
		201.80	422	426	242.20	449.90
		203.10	427	431	243.80	455.20
		204.50	432	436	245.40	460.50
		206.10	437	440	247.40	462.60

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount under 1971 Act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$207.40	$441	$445	$248.90	$465.30
		208.80	446	450	250.60	467.90
		210.40	451	454	252.50	470.00
		211.70	455	459	254.10	472.60
		213.10	460	464	255.80	475.20
		214.50	465	468	257.40	477.40
		216.10	469	473	259.40	480.00
		217.40	474	478	260.90	482.70
		218.80	479	482	262.60	484.80
		220.40	483	487	264.50	487.50
		221.70	488	492	266.10	490.10
		223.10	493	496	267.80	492.20
		224.70	497	501	269.70	494.80
		226.00	502	506	271.20	497.40
		227.40	507	510	272.90	499.60
		228.80	511	515	274.60	502.20
		230.30	516	520	276.40	504.90
		231.70	521	524	278.10	506.90
		233.10	525	529	279.80	509.60
		234.70	530	534	281.70	512.20
		236.00	535	538	283.20	514.40
		237.40	539	543	284.90	517.00
		239.00	544	548	286.80	519.60
		240.30	549	553	288.40	522.30
		241.70	554	556	290.10	523.80
		242.90	557	560	291.50	526.00
		244.20	561	563	293.10	527.60
		245.50	564	567	294.60	529.70
		246.80	568	570	296.20	531.30
		248.00	571	574	297.60	533.30
		249.30	575	577	299.20	535.00
		250.50	578	581	300.60	537.00
		251.80	582	584	302.20	538.60
		253.00	585	588	303.60	540.80
		251.40	589	591	305.30	542.30
		255.60	592	595	306.80	544.50
		256.90	596	598	308.30	546.00
		258.10	599	602	309.80	548.20
		259.40	603	605	311.30	549.80
		260.60	606	609	312.80	551.80
		262.00	610	612	314.40	553.50
		263.20	613	616	315.90	555.50
		264.50	617	620	317.40	557.70
		265.70	621	623	318.90	559.20
		267.00	624	627	320.40	561.40
		268.20	628	630	321.90	563.30
		269.50	631	634	323.40	566.10
		270.80	635	637	325.00	568.70
		272.10	638	641	326.60	571.50
		273.30	642	644	328.00	574.00
		274.60	645	648	329.60	576.80
		275.80	649	652	331.00	579.30
		276.60	653	656	332.00	581.00
		277.40	657	660	332.90	582.60
		278.40	661	665	334.10	584.70
		279.40	666	670	335.30	586.80
		280.40	671	675	336.50	588.90
		281.40	676	680	337.70	591.00
		282.40	681	685	338.90	593.10
		283.40	686	690	340.10	595.20
		284.40	691	695	341.30	597.30
		285.40	699	700	342.50	599.40

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount under 1971 Act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$286.40	$701	$705	$343.70	$601.50
		287.40	706	710	344.90	603.60
		288.40	711	715	346.10	605.70
		289.40	716	720	347.30	607.80
		290.40	721	725	348.50	609.90
		291.40	726	730	349.70	612.00
		292.40	731	735	350.90	614.10
		293.40	736	740	352.10	616.20
		294.40	741	745	353.30	618.30
		295.40	746	750	354.50	620.40
			751	755	355.50	622.20
			756	760	356.50	623.90
			761	765	357.50	625.70
			766	770	358.50	627.40
			771	775	359.50	629.20
			776	780	360.50	630.90
			781	785	361.50	632.70
			786	790	362.50	634.40
			791	795	363.50	636.20
			796	800	364.50	637.90
			801	805	365.50	639.70
			806	810	366.50	641.40
			811	815	367.50	643.20
			816	820	368.50	644.90
			821	825	369.50	646.70
			826	830	370.50	648.40
			831	835	371.50	650.20
			836	840	372.50	651.90
			841	845	373.50	653.70
			846	850	374.50	655.40
			851	855	375.50	657.20
			856	860	376.50	658.90
			861	865	377.50	660.70
			866	870	378.50	662.40
			871	875	379.50	664.20
			876	880	380.50	665.90
			881	885	381.50	667.70
			886	890	382.50	669.40
			891	895	383.50	671.20
			896	900	384.50	672.90
			901	905	385.50	674.70
			906	910	386.50	676.40
			911	915	387.50	678.20
			916	920	388.50	679.90
			921	925	389.50	681.70
			926	930	390.50	683.40
			931	935	391.50	685.20
			936	940	392.50	686.90
			941	945	393.50	688.70
			946	950	394.50	690.40
			951	955	395.50	692.20
			956	960	396.50	693.90
			961	965	397.50	695.70
			966	970	398.50	697.40
			971	975	399.50	699.20
			976	980	400.50	700.90
			981	985	401.50	702.70
			986	990	402.50	704.40
			991	995	403.50	706.20
			996	1,000	404.50	707.90."

85 Stat. 8.
42 USC 403.

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for August 1972 on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection were applicable in January 1971 or any prior month in determining the total of the benefits for persons entitled for any such month on the basis of such wages and self-employment income, such total of benefits for September 1972 or any subsequent month shall not be reduced to less than the larger of—

42 USC 402, 423.

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title for August 1972 (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each person for such month, by 120 percent and raising such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

42 USC 422.

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for September 1972, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for September 1972, or".

72 Stat. 1017.

72 Stat. 1013; 79 Stat. 367.
42 USC 415.

(c) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be determined as follows:

"(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

Post, pp. 411, 416.
81 Stat. 864.

Ante, p. 406.

"(A) the amount in column IV of the following table on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

"(B) the amount in column IV of such table on the line on which in column II appears his primary insurance amount (as determined under subsection (c)); or

"(C) the amount in column IV of such table on the line on which in column I appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table and in the following month became entitled to an old-age insurance benefit, or he died in such follow-

ing month then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined)."

(d) Section 215(b)(4) of such Act is amended by striking out "December 1970" each time it appears and inserting in lieu thereof "August 1972". 85 Stat. 9. 42 USC 415.

(e) Section 215(c) of such Act is amended to read as follows: 83 Stat. 740.

"Primary Insurance Amount Under Act of March 17, 1971

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to September 1972. *Ante*, p. 406.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before September 1972, or who died before such month." 42 USC 402, 423.

(f) Section 215(f)(2) of such Act is amended by striking out "(a)(1) and (3)" and inserting in lieu thereof "(a)(1)(A) and (C)". 81 Stat. 865.

(g)(1)(A) Section 227(a) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00", and by striking out "$24.20" and inserting in lieu thereof "$29.00". 85 Stat. 10. 42 USC 427.

(B) Section 227(b) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(2)(A) Section 228(b)(1) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00". 42 USC 428.

(B) Section 228(b)(2) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00", and by striking out "$24.20" and inserting in lieu thereof "$29.00".

(C) Section 228(c)(2) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$29.00".

(D) Section 228(c)(3)(A) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(E) Section 228(c)(3)(B) of such Act is amended by striking out "$24.20" and inserting in lieu thereof '$29.00".

(h)(1) Section 203(a) of the Social Security Act (as amended by subsection (b) of this section) is further amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or ", and by inserting after paragraph (3) the following new paragraph: *Ante*, p. 410. 79 Stat. 378. 42 USC 403.

"(4) notwithstanding any other provision of law, when—

"(A) two or more persons are entitled to monthly benefits for a particular month on the basis of the wages and self-employment income of an insured individual and (for such particular month) the provisions of this subsection and section 202(q) are applicable to such monthly benefits, and 42 USC 402.

"(B) such individual's primary insurance amount is increased for the following month under any provision of this title,

then the total of monthly benefits for all persons on the basis of such wages and self-employment income for such particular month, as determined under the provisions of this subsection, shall for purposes of determining the total monthly benefits for all persons on the basis of such wages and self-employment income for months subsequent to such particular month to be considered to have been increased by the smallest amount that would have been required in order to assure that the total of monthly benefits payable on the basis of such wages and self-employment income for any such subsequent month will not be less (after the application of the other provisions of this subsection and section 202(q)) than the total of monthly benefits (after the application of the other provisions of this subsection and section 202(q)) payable on the basis of such wages and self-employment income for such particular month."

42 USC 402.

(2) In any case in which the provisions of section 1002(b)(2) of the Social Security Amendments of 1969 were applicable with respect to benefits for any month in 1970, the total of monthly benefits as determined under section 203(a) of the Social Security Act shall, for months after 1970, be increased to the amount that would be required in order to assure that the total of such monthly benefits (after the application of section 202(q) of such Act) will not be less than the total of monthly benefits that was applicable (after the application of such sections 203(a) and 202(q)) for the first month for which the provisions of such section 1002(b)(2) applied.

83 Stat. 740.
42 USC 403 note.
Ante, pp. 410, 411.

Effective dates.

(i) The amendments made by this section (other than the amendments made by subsections (g) and (h)) shall apply with respect to monthly benefits under title II of the Social Security Act for months after August 1972 and with respect to lump-sum death payments under such title in the case of deaths occurring after such month. The amendments made by subsection (g) shall apply with respect to monthly benefits under title II of such Act for months after August 1972. The amendments made by subsection (h)(1) shall apply with respect to monthly benefits under title II of such Act for months after December 1971.

42 USC 401.

AUTOMATIC ADJUSTMENTS IN BENEFITS AND IN THE CONTRIBUTION AND BENEFIT BASE

Adjustments in Benefits

74 Stat. 35.
42 USC 415.

SEC. 202. (a)(1) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i)(1) For purposes of this subsection—

"Base quarter."

"(A) the term 'base quarter' means (i) the calendar quarter ending on June 30 in each year after 1972, or (ii) any other calendar quarter in which occurs the effective month of a general benefit increase under this title;

"Cost-of-living computation quarter."

"(B) the term 'cost-of-living computation quarter' means a base quarter, as defined in subparagraph (A)(i), in which the Consumer Price Index prepared by the Department of Labor

exceeds, by not less than 3 per centum, such Index in the later of (i) the last prior cost-of-living computation quarter which was established under this subparagraph, or (ii) the most recent calendar quarter in which occurred the effective month of a general benefit increase under this title; except that there shall be no cost-of-living computation quarter in any calendar year in which a law has been enacted providing a general benefit increase under this title or in which such a benefit increase becomes effective; and

"(C) the Consumer Price Index for a base quarter, a cost-of-living computation quarter, or any other calendar quarter shall be the arithmetical mean of such index for the 3 months in such quarter.

"(2)(A)(i) The Secretary shall determine each year beginning with 1974 (subject to the limitation in paragraph (1)(B) and to subparagraph (E) of this paragraph) whether the base quarter (as defined in paragraph (1)(A)(i)) in such year is a cost-of-living computation quarter.

"(ii) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year (subject to subparagraph (E)) as provided in subparagraph (B), increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 228, and the primary insurance amount of each other individual under this title, by an amount derived by multiplying each such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such index for the most recent prior calendar quarter which was a base quarter under paragraph (1)(A)(ii) or, if later, the most recent cost-of-living computation quarter under paragraph (1)(B). Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

Ante, p. 411; *Post*, p. 416.

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply (subject to subparagraph (E)) in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, and in the case of lump-sum death payments with respect to deaths occurring after December of such calendar year.

"(C)(i) Whenever the level of the Consumer Price Index as published for any month exceeds by 2.5 percent or more the level of such index for the most recent base quarter (as defined in paragraph (1)(A)(ii)) or, if later, the most recent cost-of-living computation quarter, the Secretary shall (within 5 days after such publication) report the amount of such excess to the House Committee on Ways and Means and the Senate Committee on Finance.

Reports to congressional committees.

"(ii) Whenever the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall notify the House Committee on Ways and Means and the Senate Committee on Finance of such determination on or before August 15 of such calendar year, indicating the amount of the benefit increase to be provided, his estimate of the extent to which the cost of such increase would be met by an increase in the contribution and benefit

Post, p. 417.

base under section 230 and the estimated amount of the increase in such base, the actuarial estimates of the effect of such increase, and the actuarial assumptions and methodology used in preparing such estimates.

Publication in Federal Register.

"(D) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been most recently revised by another law or pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

Ante, p. 411; *Post*, p. 416. *Ante*, p. 406.

Social Security benefits, table revision computation.

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall reflect the year in which the primary insurance amounts set forth in column IV of the table immediately prior to its revision were effective.

"(ii) The amounts on each line of column I and column III, except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in each such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amounts on each line of column IV and column V shall be increased from the amounts shown in the table immediately prior to its revision by increasing each such amount by the percentage specified in subparagraph (A) (ii) of this paragraph. The amount on each line of column V shall be increased, if necessary, so that such amount is at least equal to one and one-half times the amount shown on the corresponding line in column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(v) If the contribution and benefit base (determined under section 230) for the calendar year in which the table of benefits is revised is lower than such base for the following calendar year, columns III, IV, and V of such table shall be extended. The amounts on each additional line of column III shall be the amounts on the preceding line increased by $5 until in the last such line of column III the second figure is equal to one-twelfth of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised. The amount on each additional line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised (as determined under section 230) over such base for the calendar year in which the table of benefits is revised. The amount in each additional line of column V shall be equal to 1.75 times the amount on the same line of column IV. Any

such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(E) Notwithstanding a determination by the Secretary under subparagraph (A) that a base quarter in any calendar year is a cost-of-living computation quarter (and notwithstanding any notification or publication thereof under subparagraph (C) or (D)), no increase in benefits shall take effect pursuant thereto, and such quarter shall be deemed not to be a cost-of-living computation quarter, if during the calendar year in which such determination is made a law providing a general benefit increase under this title is enacted or becomes effective.

"(3) As used in this subsection, the term 'general benefit increase under this title' means an increase (other than an increase under this subsection) in all primary insurance amounts on which monthly insurance benefits under this title are based." "General benefit increase under this title."

(2)(A) Effective January 1, 1974, section 203(a) of such Act is amended by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in or deemed to be in section 215(a)". Effective dates. 72 Stat. 1017. 42 USC 403. *Ante*, p. 406.

(B) Effective January 1, 1974, section 203(a)(2) of such Act (as amended by section 201(b) of this Act) is further amended to read as follows: *Ante*, p. 410.

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1971 or any prior month on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection as in effect for any such month were applicable in determining the benefit amount of any persons on the basis of such wages and self-employment income, the total of benefits for any month after January 1971 shall not be reduced to less than the largest of— 42 USC 402, 423.

"(A) the amount determined under this subsection without regard to this paragraph,

"(B) the largest amount which has been determined for any month under this subsection for persons entitled to monthly benefits on the basis of such insured individual's wages and self-employment income, or

"(C) if any persons are entitled to benefits on the basis of such wages and self-employment income for the month before the effective month (after September 1972) of a general benefit increase under this title (as defined in section 215(i)(3)) or a benefit increase under the provisions of section 215(i), an amount equal to the sum of amounts derived by multiplying the benefit amount determined under this title for the month before such effective month including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each such person for such month, by a percentage equal to the percentage of the increase provided under such benefit increase (with any such increased amount which is not a multiple of $0.10 being rounded to the next higher multiple of $0.10); but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B) or (C), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for a month, and ceases to apply for a month after such month, the provisions of sub- 42 USC 422, 402.

42 USC 402.

paragraph (B) or (C) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for the last month for which subparagraph (B) or (C) was applicable, or".

Effective dates.

(3)(A) Effective January 1, 1975, section 215 (a) of such Act (as amended by section 201(c) of this Act) is further amended—

(i) by inserting "(or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i)(2)(D))" after "the following table" in paragraph (1)(A); and

Ante, p. 412.

(ii) by inserting "(whether enacted by another law or deemed to be such table under subsection (i)(2)(D))" after "effective month of a new table" in paragraph (2).

(B) Effective January 1, 1975, section 215(b)(4) of such Act (as amended by section 201(d) of this Act) is further amended to read as follows:

81 Stat. 827; *Ante*, p. 411.

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

42 USC 402, 423.

"(A) who becomes entitled to benefits under section 202(a) or section 223 in or after the month in which a new table that appears in (or is deemed by subsection (i)(2)(D) to appear in) subsection (a) becomes effective; or

"(B) who dies in or after the month in which such table becomes effective without being entitled to benefits under section 202(a) or section 223; or

Ante, p. 411.

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2)."

(C) Effective January 1, 1975, section 215(c) of such Act (as amended by section 201(e) of this Act) is further amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

Ante, p. 406.

"(c)(1) For the purposes of column II of the latest table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the month in which the latest such table became effective.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(4) Effective January 1, 1975, sections 227 and 228 of such Act (as amended by section 201(g) of this Act) are further amended by striking out "$58.00" wherever it appears and inserting in lieu thereof "the larger of $58.00 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$29.00" wherever it appears and inserting in lieu thereof "the larger of $29.00 or the amount most recently established in lieu thereof under section 215(i)".

Ante, p. 412.

Adjustments in Contribution and Benefit Base

53 Stat. 1362. 42 USC 401.

(b)(1) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

"SEC. 230. (a) Whenever the Secretary pursuant to section 215(i) increases benefits effective with the first month of the calendar year following a cost-of-living computation quarter, he shall also determine and publish in the Federal Register on or before November 1 of the calendar year in which such quarter occurs (along with the publication of such benefit increase as required by section 215(i)(2)(D)) the contribution and benefit base determined under subsection (b) which shall be effective (unless such increase in benefits is prevented from becoming effective by section 215(i)(2)(E)) with respect to remuneration paid after the calendar year in which such quarter occurs and taxable years beginning after such year.

Ante, p. 412.

Publication in Federal Register.

"(b) The amount of such contribution and benefit base shall be the amount of the contribution and benefit base in effect in the year in which the determination is made or, if larger, the product of—

"(1) the contribution and benefit base which was in effect with respect to remuneration paid in (and taxable years beginning in) the calendar year in which the determination under subsection (a) with respect to such particular calendar year was made, and

"(2) the ratio of (A) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of the calendar year in which the determination under subsection (a) with respect to such particular calendar year was made to the latest or (B) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of 1973 or the first calendar quarter of 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),

with such product, if not a multiple of $300, being rounded to the next higher multiple of $300 where such product is a multiple of $150 but not of $300 and to the nearest multiple of $300 in any other case.

"(c) For purposes of this section, and for purposes of determining wages and self-employment income under sections 209, 211, 213, and 215 of this Act and sections 1402, 3121, 3122, 3125, 6413, and 6654 of the Internal Revenue Code of 1954, the 'contribution and benefit base' with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1973 and prior to the calendar year with the first month of which the first increase in benefits pursuant to section 215(i) of this Act becomes effective shall be $12,000 or (if applicable) such other amount as may be specified in a law enacted subsequent to the law which added this section."

"Contribution and benefit base."

Infra; Post, p. 418; *Ante*, pp. 406-416.

Post, pp. 418-420.

INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

SEC. 203. (a)(1)(A) Section 209(a)(6) of the Social Security Act is amended by inserting "and prior to 1973" after "1971".

85 Stat. 10.
42 USC 409.

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraphs:

"(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $10,800 with respect to employment has been paid to an individual during any calendar year after 1972 and prior to 1974, is paid to such individual during such calendar year;

"(8) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $12,000 with respect to employment has been paid to an individual during any calendar year after 1973 and prior to 1975, is paid to such individual during such calendar year;

"(9) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1974 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;".

Ante, p. 417.

85 Stat. 10.
42 USC 411.

(2) (A) Section 211(b)(1)(F) of such Act is amended by inserting "and prior to 1973" after "1971", and by striking out "; or" and inserting in lieu thereof ; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraphs:

"(G) For any taxable year beginning after 1972 and prior to 1974, (i) $10,800, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(H) For any taxable year beginning after 1973 and prior to 1975, (i) $12,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(I) For any taxable year beginning in any calendar year after 1974, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

42 USC 413.

(3) (A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or $10,800 in the case of a calendar year after 1972 and before 1974, or $12,000 in the case of a calendar year after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or $10,800 in the case of a taxable year beginning after 1972 and before 1974, or $12,000 in the case of a taxable year beginning after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1974".

42 USC 415.

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "the excess over $9,000 in the case of any calendar year after 1971 and before 1973, the excess over $10,800 in the case of any calendar year after 1972 and before 1974, the excess over $12,000 in the case of any calendar year after 1973 and before 1975, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective".

85 Stat. 11.
26 USC 1402.

(b)(1)(A) Section 1402(b)(1)(F) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended

by inserting "and before 1973" after "1971", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraphs: *Ante*, p. 418.

"(G) for any taxable year beginning after 1972 and before 1974, (i) $10,800, minus (ii) the amount of the wages paid to such individual during the taxable year;

"(H) for any taxable year beginning after 1973 and before 1975, (i) $12,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(I) for any taxable year beginning in any calendar year after 1974, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or". *Ante*, p. 417.

(2)(A) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$9,000" each place it appears and inserting in lieu thereof "$10,800". 85 Stat. 11. 26 USC 3121.

(B) Effective with respect to remuneration paid after 1973, section 3121(a)(1) of such Code is amended by striking out "$10,800" each place it appears and inserting in lieu thereof "$12,000".

(C) Effective with respect to remuneration paid after 1974, section 3121(a)(1) of such Code is amended—

(i) by striking out "$12,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(ii) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(3)(A) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$9,000" and inserting in lieu thereof "$10,800".

(B) Effective with respect to remuneration paid after 1973, the second sentence of section 3122 of such Code is amended by striking out "$10,800" and inserting in lieu thereof "$12,000".

(C) Effective with respect to remuneration paid after 1974, the second sentence of section 3122 of such Code is amended by striking out "the $12,000 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(4)(A) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$10,800".

(B) Effective with respect to remuneration paid after 1973, section 3125 of such Code is amended by striking out "$10,800" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$12,000".

(C) Effective with respect to remuneration paid after 1974, section 3125 of such Code is amended by striking out "the $12,000 limitation" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base limitation".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1973" after "the calendar year 1971";

(B) by inserting after "exceed $9,000," the following: "or (F) during any calendar year after the calendar year 1972 and prior to the calendar year 1974, the wages received by him during such year exceed $10,800, or (G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed $12,000, or (H) during any calendar year after 1974, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

Ante, p. 417.

(C) by inserting before the period at the end thereof the following: "and before 1973, or which exceeds the tax with respect to the first $10,800 of such wages received in such calendar year after 1972 and before 1974, or which exceeds the tax with respect to the first $12,000 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1974 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

85 Stat. 11.
26 USC 6413.

(6) Section 6413(a)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $9,000 for any calendar year after 1971" and inserting in lieu thereof "$9,000 for the calendar year 1972, $10,800 for the calendar year 1973, $12,000 for the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1974 with respect to which such contribution and benefit base is effective".

(7)(A) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$9,000" and inserting in lieu thereof "$10,800".

(B) Effective with respect to taxable years beginning after 1973, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "$10,800" and inserting in lieu thereof "$12,000".

(C) Effective with respect to taxable years beginning after 1974, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "the excess of $12,000 over the amount" and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1972. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1972. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1972.

CHANGES IN TAX SCHEDULES

81 Stat. 835.

SEC. 204. (a)(1) Section 1401(a) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "and before January 1, 1973" in paragraph (3) and inserting in lieu thereof "and before January 1, 1978";

(B) by striking out "and" at the end of paragraph (3); and

(C) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) in the case of any taxable year beginning after December 31, 1977, and before January 1, 2011, the tax shall be equal to 6.7 percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 2010, the tax shall be equal to 7.0 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended— 81 Stat. 836. 26 USC 3101.

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "any of the calendar years 1971 through 1977"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following: 85 Stat. 11.

"(4) with respect to wages received during any of the calendar years 1978 through 2010, the rate shall be 4.5 percent; and

"(5) with respect to wages received after December 31, 2010, the rate shall be 5.35 percent."

(3) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "any of the calendar years 1971 through 1977"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages paid during any of the calendar years 1978 through 2010, the rate shall be 4.5 percent; and

"(5) with respect to wages paid after December 31, 2010, the rate shall be 5.35 percent."

(b)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following: 81 Stat. 836.

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 0.9 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1986, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1985, and before January 1, 1993, the tax shall be equal to 1.1 percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 1992, the tax shall be equal to 1.2 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 0.9 percent;

"(3) with respect to wages received during the calendar years 1978, 1979, 1980, 1981, 1982, 1983, 1984, and 1985, the rate shall be 1.0 percent;

"(4) with respect to wages received during the calendar years 1986, 1987, 1988, 1989, 1990, 1991, and 1992, the rate shall be 1.1 percent; and

"(5) with respect to wages received after December 31, 1992, the rate shall be 1.2 percent."

81 Stat. 837.
26 USC 3111.

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 0.9 percent;

"(3) with respect to wages paid during the calendar years 1978, 1979, 1980, 1981, 1982, 1983, 1984, and 1985, the rate shall be 1.0 percent;

"(4) with respect to wages paid during the calendar years 1986, 1987, 1988, 1989, 1990, 1991, and 1992, the rate shall be 1.1 percent; and

"(5) with respect to wages paid after December 31, 1992, the rate shall be 1.2 percent."

Effective dates.

(c) The amendments made by subsections (a)(1) and (b)(1) shall apply only with respect to taxable years beginning after December 31, 1972. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1972.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

70 Stat. 819; 83 Stat. 741.
42 USC 401.

SEC. 205. (a) Section 201(b)(1) of the Social Security Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "1969, and so reported," and inserting in lieu thereof "1969, and before January 1, 1973, and so reported, (E) 1.0 per centum of the wages (as so defined) paid after December 31, 1972, and before January 1, 1978, and so reported, (F) 1.1 per centum of the wages (as so defined) paid after December 31, 1977, and before January 1, 2011, and so reported, and (G) 1.4 per centum of the wages (as so defined) paid after December 31, 2010, and so reported,".

(b) Section 201(b)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "beginning after December 31, 1969," and inserting in lieu thereof "beginning after December 31, 1969, and before January 1, 1973, (E) 0.75 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1972, and before January 1, 1978, (F) 0.825 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1977, and before January 1, 2011, and (G) 0.915 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2010,".

Approved July 1, 1972.

Public Law 92-337

JOINT RESOLUTION

Making a supplemental appropriation for disaster relief.

July 1, 1972
[H. J. Res. 1238]

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 disaster relief, namely:

Disaster relief. Supplemental appropriation.

EXECUTIVE OFFICE OF THE PRESIDENT

DISASTER RELIEF

For an additional amount for "Disaster Relief," $200,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

Approved July 1, 1972.

Public Law 92-338

AN ACT

To amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a thirteen-period accounting year.

July 7, 1972
[H. R. 1074]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 220(b) of the Interstate Commerce Act (49 U.S.C. 320(b)) is amended by inserting "either (1)" after "information", and by striking out "different date, and" and inserting in lieu thereof the following: "different date; or (2) for a thirteen-period accounting year ending at the close of one of the last seven days of each calendar year, if the person making the report keeps his books on the basis of such an accounting year, and elects to make such report on the basis of such accounting year, subject to such rules and regulations as the Commission may prescribe. Any annual report".

Motor carrier reports to ICC. 54 Stat. 926.

Approved July 7, 1972.

Public Law 92-339

AN ACT

To provide for the licensing of personnel on certain vessels.

July 7, 1972
[H. R. 6479]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4427 of the Revised Statutes (46 U.S.C. 405) is amended by inserting "(a)" immediately before the first word thereof and by adding at the end thereof the following new subsection:

Towing vessels. Personnel, licensing.

"(b)(1) As used in this subsection—

Definitions.

"(A) the term 'Secretary' means the Secretary of the department in which the Coast Guard is operating;

"(B) the term 'towing' means pulling, pushing, or hauling alongside or any combination thereof;

"(C) the term 'towing vessel' means a commercial vessel engaged in or intended to engage in the service of towing which is twenty-six feet or more in length, measured from end to end over the deck, excluding sheer;

"(D) the term 'uninspected' means not required by law to have a valid certificate of inspection issued by the Secretary.

"(2) An uninspected towing vessel in order to assure safe navigation shall, while underway, be under the actual direction and control of a person licensed by the Secretary to operate in the particular geographic area and by type of vessel under regulations prescribed by him. A person so licensed may not work a vessel while underway or perform other duties in excess of a total of twelve hours in any consecutive twenty-four-hour period except in case of emergency.

"(3) Paragraph 2 of this subsection shall not apply to towing vessels of less than two hundred gross tons engaged in a service or preparing or intending to immediately engage in a service to the offshore oil and mineral exploitation industry, including construction for such industry, where the vessels involved would have as their ultimate destination or last point of departure offshore oil and mineral exploitation sites or equipment."

Study, report to Congress.

SEC. 2. The Secretary of Transportation shall conduct a study concerning the need for engineers on uninspected towing vessels and shall submit to the Congress a report on this study, together with any legislative recommendations not later than ten months after the enactment of this legislation.

Effective dates.

SEC. 3. The amendments made by the first section of this Act shall become effective on January 1, 1972, or on the first day of the sixth month which begins after the month in which regulations are first issued under section 4427(b)(2) of the Revised Statutes (as added by the first section of this Act), whichever date is later.

Approved July 7, 1972.

Public Law 92-340

July 10, 1972
[H. R. 8140]

AN ACT

To promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States.

Ports and Waterways Safety Act of 1972.

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 "Ports and Waterways Safety Act of 1972".

TITLE I—PORTS AND WATERWAYS SAFETY AND ENVIRONMENTAL QUALITY

SEC. 101. In order to prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss, the Secretary of the department in which the Coast Guard is operating may—

(1) establish, operate, and maintain vessel traffic services and systems for ports, harbors, and other waters subject to congested vessel traffic;

(2) require vessels which operate in an area of a vessel traffic service or system to utilize or comply with that service or system, including the carrying or installation of electronic or other devices necessary for the use of the service or system;

(3) control vessel traffic in areas which he determines to be especially hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by—

(i) specifying times of entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(ii) establishing vessel traffic routing schemes;

(iii) establishing vessel size and speed limitations and vessel operating conditions; and

(iv) restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics and capabilities which he considers necessary for safe operation under the circumstances;

(4) direct the anchoring, mooring, or movement of a vessel when necessary to prevent damage to or by that vessel or her cargo, stores, supplies, or fuel;

(5) require pilots on self-propelled vessels engaged in the foreign trades in areas and under circumstances where a pilot is not otherwise required by State law to be on board until the State having jurisdiction of an area involved establishes a requirement for a pilot in that area or under the circumstances involved;

(6) establish procedures, measures, and standards for the handling, loading, discharge, storage, stowage, and movement, including the emergency removal, control and disposition, of explosives or other dangerous articles or substances (including the substances described in section 4417a(2)(A), (B), and (C) of the Revised Statutes of the United States (46 U.S.C. 391a(2)(A), (B), and (C)) on structures subject to this title; *Post*, p. 427.

(7) prescribe minimum safety equipment requirements for structures subject to this title to assure adequate protection from fire, explosion, natural disasters, and other serious accidents or casualties;

(8) establish water or waterfront safety zones or other measures for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

(9) establish procedures for examination to assure compliance with the minimum safety equipment requirements for structures.

"United States."

SEC. 102. (a) For the purpose of this Act, the term "United States" includes the fifty States, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(b) Nothing contained in this title supplants or modifies any treaty or Federal statute or authority granted thereunder, nor does it prevent a State or political subdivision thereof from prescribing for structures only higher safety equipment requirements or safety standards than those which may be prescribed pursuant to this title.

(c) In the exercise of his authority under this title, the Secretary shall consult with other Federal agencies, as appropriate, in order to give due consideration to their statutory and other responsibilities, and to assure consistency of regulations applicable to vessels, structures, and areas covered by this title. The Secretary may also consider, utilize, and incorporate regulations or similar directory materials issued by port or other State and local authorities.

Panama Canal; Saint Lawrence Seaway.

(d) This title shall not be applicable to the Panama Canal. The authority granted to the Secretary under section 101 of this title shall not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under this title shall be delegated to the Saint Lawrence Seaway Development Corporation to the extent that the Secretary determines such delegation is necessary for the proper operation of the Seaway.

(e) In carrying out his duties and responsibilities under this title to promote the safe and efficient conduct of maritime commerce the Secretary shall consider fully the wide variety of interests which may be affected by the exercise of his authority hereunder. In determining the need for, and the substance of, any rule or regulation or the exercise of other authority hereunder the Secretary shall, among other things, consider—

(1) the scope and degree of the hazards;

(2) vessel traffic characteristics including minimum interference with the flow of commercial traffic, traffic volume, the sizes and types of vessels, the usual nature of local cargoes, and similar factors;

(3) port and waterway configurations and the differences in geographic, climatic, and other conditions and circumstances;

(4) environmental factors;

(5) economic impact and effects;

(6) existing vessel traffic control systems, services, and schemes; and

(7) local practices and customs, including voluntary arrangements and agreements within the maritime community.

Investigatory powers.

SEC. 103. The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage to, any structure subject to this title, or which affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States. In any investigation under this title, the Secretary may issue a subpena to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey a subpena issued to any person, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.

Rulemaking authority.

SEC. 104. The Secretary may issue reasonable rules, regulations, and standards necessary to implement this title. In the exercise of his rulemaking authority the Secretary is subject to the provisions of chapters 5 and 7 of title 5, United States Code. In preparing proposed rules, regulations, and standards, the Secretary shall provide an adequate opportunity for consultation and comment to State and local governments, representatives of the marine industry, port and harbor authorities, environmental groups, and other interested parties.

80 Stat. 380, 392; 81 Stat. 195. 5 USC 500, 701.

Report to Congress.

SEC. 105. The Secretary shall, within one year after the effective date of this Act, report to the Congress his recommendations for legislation which may be necessary to achieve coordination and/or eliminate duplication between the functions authorized by this Act and the functions of any other agencies.

Penalty.

SEC. 106. Whoever violates a regulation issued under this title shall be liable to a civil penalty of not more than $10,000. The Secretary may assess and collect any civil penalty incurred under this title and, in his discretion, remit, mitigate, or compromise any penalty. Upon failure to collect or compromise a penalty, the Secretary may request the Attorney General to commence an action for collection in any district court of the United States. A vessel used or employed in a violation of a regulation under this title shall be liable in rem and may be proceeded against in any district court of the United States having jurisdiction.

SEC. 107. Whoever willfully violates a regulation issued under this title shall be fined not less than $5,000 or more than $50,000 or imprisoned for not more than five years, or both.

TITLE II—VESSELS CARRYING CERTAIN CARGOES IN BULK

SEC. 201. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) is hereby amended to read as follows:

"SEC. 4417a. (1) STATEMENT OF POLICY.—The Congress hereby finds and declares—

"That the carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein and of the adjoining land, including but not limited to fish, shellfish, and wildlife, marine and coastal ecosystems and recreational and scenic values, which waters and resources are hereafter in this section referred to as the 'marine environment'.

"That existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved for the adequate protection of the marine environment.

"That it is necessary that there be established for all such vessels documented under the laws of the United States or entering the navigable waters of the United States comprehensive minimum standards of design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

"(2) VESSELS INCLUDED.—All vessels, regardless of tonnage size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States, except public vessels other than those engaged in

commercial service, that shall have on board liquid cargo in bulk which is—

"(A) inflammable or combustible, or

"(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

"(C) designated as a hazardous polluting substance under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162);

84 Stat. 98.

shall be considered steam vessels for the purposes of title 52 of the Revised Statutes of the United States and shall be subject to the provisions thereof: *Provided*, That this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages: *And provided further*, That nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90–397 with respect to certain vessels of not more than five hundred gross tons: *And provided further*, That this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

46 USC 361 *et seq.*

82 Stat. 341. 46 USC 391a.

"(3) RULES AND REGULATIONS.—In order to secure effective provision (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the 'Secretary') shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for life saving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

"(4) ADOPTION OF RULES AND REGULATIONS.—Before any rules or regulations, or any alteration, amendment, or repeal thereof, are approved by the Secretary under the provisions of this section, except

in an emergency, the Secretary shall (A) consult with other appropriate Federal departments and agencies, and particularly with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, with regard to all rules and regulations for the protection of the marine environment, (B) publish proposed rules and regulations, and (C) permit interested persons an opportunity for hearing. In prescribing rules or regulations, the Secretary shall consider, among other things, (i) the need for such rules or regulations, (ii) the extent to which such rules or regulations will contribute to safety or protection of the marine environment, and (iii) the practicability of compliance therewith, including cost and technical feasibility.

Regulations, publication; hearing opportunity.

"(5) RULES AND REGULATIONS FOR SAFETY; INSPECTION; PERMITS; FOREIGN VESSELS.—No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations for vessel safety established hereunder, have on board such cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes of the United States and until a permit has been endorsed on such certificate of inspection by the Secretary, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder, and showing the kinds and grades of such cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Secretary on such certificate of inspection until such vessel has been inspected by the Secretary and found to be in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder. For the purpose of such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A certificate issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Secretary whenever he shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided*, That rules and regulations for vessel safety established hereunder and the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States: *And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of this title.

46 USC 361 *et seq.*

46 USC 170.

"(6) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT; INSPECTION; CERTIFICATION.—No vessel subject to the provisions of this section shall, after the effective date of rules and regulations for protection of the marine environment, have on board such cargo, until a certificate of compliance, or an endorsement on the certificate of inspection for domestic vessels, has been issued by the Secretary indicating that such vessel is in compliance with such rules and regulations. Such certificate of compliance or endorsement shall not be issued by the Secretary until such vessel has been inspected by the Secretary and found to be in compliance with the rules and regulations for protection of the marine environment established hereunder. A certificate of compliance or an endorsement issued under this subsection shall be valid for a period specified therein by the Secretary and shall be subject to revocation whenever the Secretary finds that the vessel concerned does not comply with the conditions upon which such certificate or endorsement was issued.

"(7) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO VESSEL DESIGN AND CONSTRUCTION, ALTERATION, AND REPAIR; INTERNATIONAL AGREEMENT.—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessels to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.

Publication.

"(B) The Secretary shall cause proposed rules and regulations published by him pursuant to subsection (7)(A) to be transmitted to appropriate international forums for consideration as international standards.

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.

Effective date.

"(D) Any rule or regulation for protection of the marine environment promulgated pursuant to this subsection (7) shall be equally applicable to foreign vessels and United States-flag vessels operating in the foreign trade. If a treaty, convention, or agreement provides for reciprocity of recognition of certificates or other documents to be issued to vessels by countries party thereto, which evidence compliance with rules and regulations issued pursuant to such treaty, convention, or agreement, the Secretary, in his discretion, may accept such certificates or documents as evidence of compliance with such rules and regulations in lieu of the certificate of compliance otherwise required by subsection (6) of this section.

"(8) SHIPPING DOCUMENTS.—Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Secretary indicating the kinds, grades, and approximate quantities of such cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

"(9) OFFICERS; TANKERMEN; CERTIFICATION.—(A) In all cases where the certificate of inspection does not require at least two licensed officers, the Secretary shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certified as tankermen.

"(B) The Secretary shall issue to applicants certificates as tankermen, stating the kinds of cargo the holder of such certificate is, in the

judgment of the Secretary, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Secretary, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Secretary under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of this title. 46 USC 239.

"(10) EFFECTIVE DATE OF RULES AND REGULATIONS.—Except as otherwise provided herein, the rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Secretary shall for good cause fix a different time. If the Secretary shall fix an effective date later than ninety days after such promulgation, his determination to fix such a later date shall be accompanied by an explanation of such determination which he shall publish and transmit to the Congress.

"(11) PENALTIES.—(A) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or the rules and regulations established hereunder, shall be liable to a civil penalty of not more than $10,000.

"(B) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall knowingly and willfully violate the provisions of this section or the rules and regulations established hereunder, shall be subject to a fine of not less than $5,000 or more than $50,000, or imprisonment for not more than five years, or both.

"(C) Any vessel subject to the provisions of this section, which shall be in violation of this section or the rules and regulations established hereunder, shall be liable in rem and may be proceeded against in the United States district court for any district in which the vessel may be found.

"(12) INJUNCTIVE PROCEEDINGS.—The United States district courts shall have jurisdiction for cause shown to restrain violations of this section or the rules and regulations promulgated hereunder.

"(13) DENIAL OF ENTRY.—The Secretary may, subject to recognized principles of international law, deny entry into the navigable waters of the United States to any vessel not in compliance with the provisions of this section or the regulations promulgated thereunder."

SEC. 202. Regulations previously issued under statutory provisions repealed, modified, or amended by this title shall continue in effect as though promulgated under the authority of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by this title, until expressly abrogated, modified, or amended by the Secretary of the Department in which the Coast Guard is operating under the regulatory authority of such section 4417a as so amended. Any proceeding under such section 4417a for a violation which occurred before the effective date of this title may be initiated or continued to conclusion as though such section 4417a had not been amended hereby. Savings provision.

Report to Congress.

SEC. 203. The Secretary of the Department in which the Coast Guard is operating shall, for a period of ten years following the enactment of this title, make a report to the Congress at the beginning of each regular session, regarding his activities under this title. Such report shall include but not be limited to (A) a description of the rules and regulations prescribed by the Secretary (i) to improve vessel maneuvering and stopping ability and otherwise reduce the risks of collisions, groundings, and other accidents, (ii) to reduce cargo loss in the event of collisions, groundings, and other accidents, and (iii) to reduce damage to the marine environment from the normal operation of the vessels to which this title applies, (B) the progress made with respect to the adoption of international standards for the design, construction, alteration, and repair of vessels to which this title applies for protection of the marine environment, and (C) to the extent that the Secretary finds standards with respect to the design, construction, alteration, and repair of vessels for the purposes set forth in (A)(i), (ii), or (iii) above not possible, an explanation of the reasons therefor.

Approved July 10, 1972.

Public Law 92-341

July 10, 1972
[S. 3343]

AN ACT

To amend title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

Disabled veterans.
Housing loans, increase.
83 Stat. 32.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802 of title 38, United States Code, is amended by striking out "$12,500" and inserting in lieu thereof "$17,500".

Approved July 10, 1972.

Public Law 92-342

July 10, 1972
[H. R. 13955]

AN ACT

Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1973, and for other purposes.

Legislative Branch Appropriation Act, 1973.

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, 1973, and for other purposes, namely:

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 compensation and mileage of the Vice President and Senators of the United States, $4,778,340.

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.

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, $430,200.

OFFICE OF THE PRESIDENT PRO TEMPORE

For office of the President pro tempore, $54,130: *Provided*, That effective July 1, 1972, the Comptroller may appoint and fix the compensation of an auditor at not to exceed $18,130 per annum in lieu of a secretary at not to exceed $15,281 per annum.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $206,165.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $104,640.

OFFICE OF THE CHAPLAIN

For office of the Chaplain, $18,650.

OFFICE OF THE SECRETARY

For office of the Secretary, $2,244,230, including $99,974 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective July 1, 1972, the Secretary may appoint and fix the compensation of a third assistant parliamentarian at not to exceed $19,684 per annum, and a messenger at not to exceed $9,583 per annum. 60 Stat. 839.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $7,696,705.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $34,264,925.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, $8,633,250.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $248,120.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $473,810.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $309,770 for each such Committee; in all, $619,540.

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, $36,000.

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, including $511,460 for the Committee on Appropria-

60 Stat. 831.
2 USC 190b.

tions, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $11,848,545.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.34 per hour per person, $74,475.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,532,150.

POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority, $320; and for air mail and special delivery stamps for the Office of the Secretary, $610; Office of the Sergeant at Arms, $240; Comptroller, $100; Senators and the President of the Senate, as authorized by law, $137,355; in all, $138,625.

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, $385,800; and for stationery for committees and officers of the Senate, $17,200; in all, $403,000.

ADMINISTRATIVE PROVISIONS

The second sentence of section 4 of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j–4), is amended (1) by striking out "1972" and inserting in lieu thereof "1973", and (2) by striking out "specifically for such restaurants as a" and inserting in lieu thereof a comma and the following: "which shall be part of a". 75 Stat. 199; 85 Stat. 129.

Effective July 1, 1972, the last paragraph under the heading "Administrative Provisions" in the appropriations for the Senate under the Legislative Branch Appropriation Act, 1971 (2 U.S.C. 46d–5), is repealed. Repeal. 84 Stat. 810.

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts. *Ante*, p. 3. 84 Stat. 1179. 2 USC 72a.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Elizabeth B. Andrews, widow of George W. Andrews, late a Representative from the State of Alabama, $42,500.

SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE OF THE SPEAKER

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, and the Delegate from the District of Columbia), $20,262,420.

MILEAGE OF MEMBERS AND EXPENSE ALLOWANCE OF THE SPEAKER

For mileage of Members and expense allowance of the Speaker, as authorized by law, $200,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, as follows:

OFFICE OF THE SPEAKER

For the Office of the Speaker, $247,350.

OFFICE OF THE PARLIAMENTARIAN

For the Office of the Parliamentarian, $182,020, including the Parliamentarian and $2,000 for preparing the Digest of the Rules, as authorized by law.

COMPILATION OF PRECEDENTS OF HOUSE OF REPRESENTATIVES

For compiling the precedents of the House of Representatives, $16,345.

OFFICE OF THE CHAPLAIN

For the Office of the Chaplain, $19,770.

OFFICE OF THE CLERK

For the Office of the Clerk, including not to exceed $265,395 for the House Recording Studio, $2,992,300.

OFFICE OF THE SERGEANT AT ARMS

For the Office of the Sergeant at Arms, $6,181,780.

OFFICE OF THE DOORKEEPER

For the Office of the Doorkeeper, $3,091,670.

OFFICE OF THE POSTMASTER

For the Office of the Postmaster, including $14,490 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $7,919 per annum each, $857,535.

COMMITTEE EMPLOYEES

For committee employees, including the Committee on Appropriations, $8,125,000.

SPECIAL AND MINORITY EMPLOYEES

For six minority employees, $205,725.

For the House Democratic Steering Committee, $66,440.

For the House Republican Conference, $66,440.

For the office of the majority floor leader, including $3,000 for official expenses of the majority leader, $149,220.

For the office of the minority floor leader, including $3,000 for official expenses of the minority leader, $132,465.

For the office of the majority whip, $108,075.

For the office of the minority whip, $108,075.

For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, $24,455, to be equally divided.

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, $21,975.

OFFICIAL REPORTERS OF DEBATES

For official reporters of debates, $415,455.

OFFICIAL REPORTERS TO COMMITTEES

For official reporters to committees, $502,425.

COMMITTEE ON APPROPRIATIONS

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, $1,447,500.

60 Stat. 834.
2 USC 72a.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of the Office of the Legislative Counsel of the House, $869,000.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $61,000,000.

CONTINGENT EXPENSES OF THE HOUSE

FURNITURE

For purchase and repair of furniture, carpets and draperies, including supplies, tools and equipment for repair shops; and for purchase of packing boxes, $700,000.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including such amounts for transfer to the House of Representatives Restaurant Fund as may be necessary for the purposes authorized by section 2 of House Resolution

317, Ninety-second Congress; purchase, exchange, operation, maintenance, and repair of the Clerk's motor vehicles, the publications and distribution service motor truck, and the post office motor vehicles for carrying the mails; the sum of $850 for hire of automobile for the Sergeant at Arms; not to exceed $5,000 for the purposes authorized by section 1 of House Resolution 348, approved June 29, 1961; purposes authorized by House Resolution 416, Eighty-ninth Congress; materials for folding; and for stationery for the use of committees, departments, and officers of the House; $8,500,000.

GOVERNMENT CONTRIBUTIONS

For contributions to employees life insurance fund, retirement fund, and health benefits fund, as authorized by law, $5,770,000, and in addition, such amount as may be necessary may be transferred from the preceding appropriation for "miscellaneous items".

REPORTING HEARINGS

For stenographic reports of hearings of committees other than special and select committees, $422,500.

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, $12,675,000.

TELEGRAPH AND TELEPHONE

For telegraph and telephone service, exclusive of personal services, $4,000,000.

STATIONERY (REVOLVING FUND)

For a stationery allowance for each Member for the first session of the Ninety-third Congress, as authorized by law, $1,529,500, to remain available until expended.

POSTAGE STAMP ALLOWANCES

Postage stamp allowances for the first session of the Ninety-third Congress, as follows: Clerk, $1,460; Sergeant at Arms, $1,090; Doorkeeper, $910; Postmaster, $730; each Member, the Speaker, the majority and minority leaders, the majority and minority whips, and each standing committee, as authorized by law; $417,510.

REVISION OF LAWS

For preparation and editing of the laws as authorized by 1 U.S.C. 202, 203, 213, $39,980, to be expended under the direction of the Committee on the Judiciary.

61 Stat. 637.

LEADERSHIP AUTOMOBILES

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the Speaker, $18,780.

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the majority leader of the House, $18,780.

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, $18,780.

NEW EDITION OF THE DISTRICT OF COLUMBIA CODE

For preparation of a new edition of the District of Columbia Code, $150,000, to remain available until expended, and to be expended under the direction of the Committee on the Judiciary.

PORTRAIT OF SPEAKER

For the procurement of a portrait of the Honorable Carl Albert, Speaker of the House of Representatives, $5,000, to remain available until expended, and to be disbursed by the Clerk of the House under the direction of the Speaker.

ADMINISTRATIVE PROVISION

The provisions of House Resolution 741, Ninety-second Congress, relating to pay increases for certain House employees whose salaries are specifically fixed by House resolutions, shall be the permanent law with respect thereto.

JOINT ITEMS

For joint committees, as follows:

JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES

For an amount to enable the Joint Committee on Reduction of Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the Committee, $72,600, to be disbursed by the Secretary of the Senate. 79 Stat. 1026.

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $700,000.

JOINT COMMITTEE ON ATOMIC ENERGY

For salaries and expenses of the Joint Committee on Atomic Energy, $498,750.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $295,270.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For salaries and expenses of the Joint Committee on Internal Revenue Taxation, $802,720.

JOINT COMMITTEE ON DEFENSE PRODUCTION

For salaries and expenses of the Joint Committee on Defense Production as authorized by the Defense Production Act of 1950, as amended, $139,980. 64 Stat. 798. 50 USC app. 2061.

JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

For salaries and expenses of the Joint Committee on Congressional Operations, including the Office of Placement and Office Management, $460,000.

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 one thousand dollars per month to the attending physician; (2) an allowance of six hundred dollars per month to one senior medical officer while on duty in the attending physician's office; (3) an allowance of two hundred dollars per month each to two medical officers while on duty in the attending physician's office; and (4) an allowance of two hundred dollars per month each to not to exceed eight assistants on the basis heretofore provided for such assistants, $97,700.

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 $25 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; $236,450.

CAPITOL POLICE BOARD

Detailed personnel.

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, $1,009,865. 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 Commissioner 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.

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 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 Commissioner of the District of Columbia

55 Stat. 456.
54 Stat. 629.

is directed (1) to pay the deputy chief of police detailed under the authority of this paragraph and serving as Chief of the Capitol Police, the salary of the rank of deputy chief plus $4,000 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 elevate and pay the two acting inspectors detailed under the authority of this paragraph and serving as assistants to the Chief of the Capitol Police, the rank and salary of inspector plus $1,625 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 pay the captain detailed under the authority of this Act 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, (4) to pay the two lieutenants detailed under the authority of this Act the salary of lieutenant plus $1,625 and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (5) to pay the three detective sergeants serving under the authority of this Act the salary of the rank 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, (6) to elevate and pay the detective permanently detailed under the authority of this Act the salary of the rank of detective sergeant 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 pay the two sergeants of the uniform force serving under the authority of this Act, the salary of sergeants and such increases in basic compensation as may be subsequently provided by law so long as these two positions are held by the present incumbents, and (8) to elevate and pay the desk sergeant permanently detailed under the authority of this Act, the salary of the rank of sergeant and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent.

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.

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, $136,305, 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.

84 Stat. 1198.
2 USC 88b-1 and note; 40 USC 184a.
60 Stat. 839.
2 USC 88a.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs pursuant to title 39, U.S.C., section 3216, $21,226,480, to be available immediately.

The foregoing amounts under "other joint items" shall be disbursed by the Clerk of the House.

84 Stat. 754; 85 Stat. 132.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $322,200, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-four 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 second session of the Ninety-second 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 chairmen of such committees to supervise the work.

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, $1,198,500.

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.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies and to meet unforeseen expenses in connection with activities under his care, $75,000.

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 procurement of fabric and installation of same on the wall panels in the galleries of the Senate Chamber, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for 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, $4,411,000, of which $1,521,000 shall remain available until June 30, 1974, to enable the Architect of the Capitol, under the Direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968, and a similar group as may be appointed by the Speaker of the House, to make such expenditures as may be necessary, without regard to section 3709 of the Revised Statutes, as amended, to restore the Old Senate Chamber on the principal floor of the Capitol and the Old

80 Stat. 508; 81 Stat. 206.

41 USC 5.

Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers: *Provided*, That there is hereby authorized to be established and maintained, in an amount not to exceed $100, a petty cash fund for small purchases necessary for care and operation of the buildings and office administration, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations.

The sum of $34,000 of the $470,000 made available until expended under the heading "Senate Office Buildings" in the Legislative Branch Appropriation Act, 1968, is hereby rescinded. 81 Stat. 136.

The unobligated balances on June 30, 1972 in the following appropriation accounts, now available until expended, shall cease to be available for obligation on June 30, 1973:

Senate Office Buildings (excluding the $34,000 rescinded); Extension of Additional Senate Office Building Site; Structural and Mechanical Care, Library Buildings and Grounds; John W. McCormack Residential Page School.

Not to exceed $12,000 of the unobligated balance of the appropriation under this head for the fiscal year 1972 is hereby continued available until June 30, 1973.

Not to exceed $105,000 of the unobligated balance of that part of the appropriation under this head for the fiscal year 1971, made available until June 30, 1972, is hereby continued available until June 30, 1973.

EXTENSION OF THE CAPITOL

Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however*, That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

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; fertilizers; 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; $1,017,800. 41 USC 5.

Not to exceed $10,000 of the unobligated balance of the appropriation under this head for the fiscal year 1972 is hereby continued available until June 30, 1973.

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; including eight attendants at a gross annual rate of $7,695 for the period January 9, 1972 to June 30, 1972 and whose salary rates shall be fixed on and after July 1, 1972 by the Architect of the Capitol without regard to Chapter 51 and Subchapters 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; 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, $4,932,200.

5 USC 5101, 5331, 5341. 84 Stat. 1950.

80 Stat. 508; 81 Stat. 206.

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $89,100.

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, $7,121,300.

80 Stat. 508; 81 Stat. 206.
41 USC 5.

Not to exceed $475,000 of the unobligated balance of the appropriation under this head for the fiscal year 1972 is hereby continued available until June 30, 1973.

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; $5,261,000.

Not to exceed $120,000 of the unobligated balance of the appropriation under this head for the fiscal year 1972 is hereby continued available until June 30, 1973.

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, $1,531,400.

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; $771,600.

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, $36,170,000, including $154,000 to be available for reimbursement to the General Services Administration for rental of suitable space in the District of Columbia or its immediate environs for the Library of Congress.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $5,041,000.

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), $9,155,000: *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. 84 Stat. 1181.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

For necessary expenses for the preparation and distribution of catalog cards and other publications of the Library, $10,275,000: *Provided*, That $200,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), 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.

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, $1,118,650, to remain available until expended, including $25,000 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, $181,500, 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, $8,892,000.

80 Stat. 330.

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, $2,903,000, of which $2,627,000 shall be available only for payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States.

80 Stat. 1528.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,435,300, of which $4,000,000 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 HINDS' AND CANNON'S PRECEDENTS

SALARIES AND EXPENSES

For necessary expenses to enable the Librarian to assist the Parliamentarian of the House of Representatives to revise and update Hinds' and Cannon's Precedents, $120,000.

ADMINISTRATIVE PROVISIONS

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.

80 Stat. 416.

Aliens, employment.

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.

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.

74 Stat. 831.

75 Stat. 464; 81 Stat. 671; 70 Stat. 706.

75 Stat. 457.

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.

Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $50,000, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

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 recipients; $46,500,000: *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.

82 Stat. 1256.

82 Stat. 1277.

Hereafter, appropriations for authorized printing and binding for the Congress shall not be available under the authority of the Act of July 30, 1947 (1 U.S.C. 211) for the printing, publication, and distribution of more than two copies of new editions of the Code of Laws of the United States and of the Code of the District of Columbia for each Member of the House of Representatives.

61 Stat. 640.

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 Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U.S.C. 305); travel expenses (not to exceed $88,300); price lists and

82 Stat. 1240; 84 Stat. 693.

bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; $17,239,900: *Provided*, That $200,000 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 (station wagon).

61 Stat. 584.
31 USC 849.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $3,500 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 (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)), $96,235,000.

80 Stat. 416.
5 USC 5332 note.
75 Stat. 464; 81 Stat. 671.
75 Stat. 457.

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), $1,650,000.

84 Stat. 796.
50 USC app. 2168.

GENERAL PROVISIONS

SEC. 102. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles.

SEC. 103. 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 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.

46 Stat. 32.
2 USC 60a note.

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year limitation.

This Act may be cited as the "Legislative Branch Appropriation Act, 1973".

Short title.

Approved July 10, 1972.

Public Law 92-343

AN ACT

July 10, 1972
[H. R. 13188]

To authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

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 1973 for the use of the Coast Guard as follows:

U.S. Coast Guard.
Appropriation authorization; personnel strength.

VESSELS

For procurement and increasing capability of vessels, $81,740,000.

A. Procurement—

(1) replace one icebreaker.

B. Increasing capability—

(1) renovate and improve selected buoy tenders.

(2) conduct major repairs on cutter (polar icebreaker) Glacier.

(3) renovate two Wind class polar icebreakers for interim service.

(4) abate pollution from vessels.

AIRCRAFT

For procurement and extension of service life of aircraft, $18,100,000.

A. Procurement

(1) two long range search aircraft.

(2) an administrative aircraft.

(3) a long range search and rescue helicopter.

B. Extension of service life

(1) repair outer wings on nine HC–130 aircraft.

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $46,040,000.

(1) Marshfield and Otis Air Force Base, Massachusetts: modernize radio station facilities;

(2) Brooklyn, New York: construct barracks and messing facility at air station;

(3) Fort Hancock, New Jersey: rebuild Sandy Hook Station;

(4) Portsmouth, Virginia: construct new base (phase II);

(5) Islamorada, Florida: construct permanent facilities;

(6) Monterey, California: rebuild Monterey Station and construct moorings at Santa Cruz;

(7) Coos Bay, Oregon: construct new air station;

(8) Cape May, New Jersey: expand electrical capacity at training center;

(9) Yorktown, Virginia: construct barracks at training center;

(10) Cocoa Beach, Florida: establish C–130 aircraft facility at Patrick Air Force Base;

(11) Fort Pierce, Florida: rebuild station;

(12) Port Isabel, Texas: renovate station;

(13) Dana, Indiana: renovate barracks at Loran Station;

(14) Various locations: abate pollution from stations;

(15) Washington, District of Columbia: procure and install National Response Center Information System equipment;

(16) Various locations: aids to navigation projects on selected waterways;

(17) Various locations: automate light stations;

(18) Presque Isle, Maine: construction station for Loran-C development projects;

(19) Houston, Texas: establish marine traffic control system;

(20) Various locations: public family quarters;

(21) Various locations: advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law;

(22) Curtis Bay, Maryland: construction supply building at the Coast Guard yard;

(23) Cheboygan, Michigan: rebuild moorings for Coast Guard Cutter Mackinaw.

SEC. 2. For fiscal year 1973 the Coast Guard is authorized an average active duty personnel strength of 39,449, and an end of year strength of 39,541.

Bridge owners, payments.
33 USC 511.

SEC. 3. For fiscal year 1973 for the use of the Coast Guard for payments under the Act of June 21, 1940 (54 Stat. 497), as amended, to bridge owners for the cost of alteration of railroad and public highway bridges to permit the free navigation of the navigable waters of the United States, $12,500,000.

Housing facilities, lease.
63 Stat. 532; 84 Stat. 305.

SEC. 4. Section 475, title 14, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary of the Department in which the Coast Guard is operating is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast

Guard installations. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year except where the Secretary of the Department in which the Coast Guard is operating finds that the average is so low as to prevent rental of necessary housing facilities in some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense."

Limitation.

(2) by amending subsection (e) to read as follows:

"(e) The authority provided in subsections (b) and (c) of this section shall expire on June 30, 1973."

Expiration date. 84 Stat. 305. 14 USC 475.

(3) by adding new subsections (f) and (g) as follows:

"(f) The Secretary of the Department in which the Coast Guard is operating shall annually, not later than April 1, commencing April 1. 1973, file with the Speaker of the House of Representatives and the President of the Senate a complete report of the utilization of the authority granted in subsections (a), (b), (c), and (d) during the preceding calendar year.

Report to Congress.

"(g) The authority conferred by subsection (a), (b), (c) or (d) may not be utilized after April 1, 1973, unless all reports required by subsection (f) have been filed with the Congress."

Approved July 10, 1972.

Public Law 92-344

AN ACT

July 10, 1972 [H. R. 15259]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, 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 District of Columbia for the fiscal year ending June 30, 1973, and for other purposes, namely:

District of Columbia Appropriation Act, 1973.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the following funds of the District of Columbia for the fiscal year ending June 30, 1973: $181,500,000 to the general fund; $2,550,000 to the water fund; and $1,524,000 to the sanitary sewage works fund, as authorized by the District of Columbia Revenue Act of 1947, as amended (D.C. Code, sec. 47–2501(a)); and the Act of May 18, 1954 (D.C. Code, sec. 43–1541 and 1611).

85 Stat. 654.

68 Stat. 102, 108.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia, as authorized by the Act of December 9, 1969 (83 Stat. 320), the Act of May 18, 1954 (68 Stat. 105, 110), the Act of June 2, 1950 (64 Stat. 195), and the Act of June 12, 1960 (74 Stat. 210), $130,819,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner, as follows: To the general fund, $90,968,000, to the highway fund, $16,706,000, to the water fund, $2,933,000, to the sanitary sewage works fund, $13,960,000, and to the metropolitan area sanitary sewage works fund, $6,252,000.

D.C. Code 1-1441 note. D.C. Code 43-1604. 84 Stat. 1930. D.C. Code 7-133. D.C. Code 43-1540. D.C. Code 47-1620.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

GENERAL OPERATING EXPENSES

General operating expenses, $63,187,000, of which $629,700 shall be payable from the highway fund (including $72,400 from the motor vehicle parking account), $94,500 from the water fund, and $67,300 from the sanitary sewage works fund: *Provided*, That, for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of $100 per diem: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That $2,000,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed $100,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each.

80 Stat. 416.

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed $75 to each released prisoner; purchase of one hundred and fifty-five passenger motor vehicles for replacement only (including one hundred and forty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of $400 per vehicle for police-type and $600 per vehicle for fire-type use above such limitation); $181,119,000, of which $7,854,600 shall be payable from the highway fund (including $112,000 from the motor vehicle parking account): *Provided*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement.

EDUCATION

Education, including provision of insurance, maintenance, and acceptance of not to exceed thirty-one passenger motor vehicles on a loan basis for exclusive use in the driver education program, the development of national defense education programs, $179,607,000, of which $9,561,300 shall be for special education. Of the amount provided by this section for Education, $165,100 shall be payable from the highway fund.

RECREATION

Recreation, $13,829,000.

HUMAN RESOURCES

Human resources, including reimbursement for services rendered to the District of Columbia by Freedmen's Hospital; and care and treatment of indigent patients in institutions, including those under

sectarian control, under contracts to be made by the Director of Human Resources; $207,587,000: *Provided*, That the inpatient rate and outpatient rate under such contracts, with the exception of Children's Hospital, and for services rendered by Freedmen's Hospital, shall not exceed $38 per diem and the outpatient rate shall not exceed $6 per visit; the inpatient rate and outpatient rate for Children's Hospital shall not exceed $40 per diem and $6.75 per visit; and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be $21.99 per diem: *Provided further*, That total reimbursements to Saint Elizabeths Hospital, including funds from Title XIX of the Social Security Act, shall not exceed the amount for the fiscal year 1970: *Provided further*, That the hospital rates specified herein shall not apply, beginning July 1, 1969, to services provided to patients who are eligible for such services under the District of Columbia plan for medical assistance under Title XIX of the Social Security Act: *Provided further*, That this appropriation shall be available for the furnishing of medical assistance to individuals sixty-five years of age or older who are residing in the District of Columbia: *Provided further*, That this appropriation shall be available for the treatment, in any institution, under the jurisdiction of the Commissioner and located either within or without the District of Columbia, of individuals found by a court to be chronic alcoholics.

79 Stat. 343; 81 Stat. 908. 42 USC 1396.

HIGHWAYS AND TRAFFIC

Highways and traffic, including $166,700 for traffic safety education; $600 for membership in the American Association of Motor Vehicle Administrators and $1,200 for membership in the Vehicle Equipment Safety Commission; rental of one passenger-carrying vehicle for use by the Commissioner; $21,814,000, of which $20,136,900 shall be payable from the highway fund (including $521,500 from the motor vehicle parking account): *Provided*, That this appropriation shall not be available for the purchase of driver-training vehicles.

ENVIRONMENTAL SERVICES

Environmental services, $44,309,800, of which $11,978,600 shall be payable from the water fund, $13,646,100 from the sanitary sewage works fund, and $15,700 from the metropolitan area sanitary sewage works fund.

ADDITIONAL MUNICIPAL SERVICES, INAUGURAL CEREMONIES

Additional municipal services, inaugural ceremonies, $879,000, of which $99,200 shall be payable from the highway fund.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with sections 108, 217, and 402 of the Act of May 18, 1954 (68 Stat. 103, 109, and 110), as amended; section 9 of the Act of September 7, 1957 (71 Stat. 619), as amended; section 1 of the Act of June 6, 1958 (72 Stat. 183), as amended; and section 4 of the Act of June 12, 1960 (74 Stat. 211), including interest as required thereby, $28,144,000, of which $5,503,200 shall be payable from the highway fund, $1,904,600 from the water fund, $1,053,100 from the sanitary sewage works fund, and $115,400 from the metropolitan area sanitary sewage works fund.

D.C. Code 43-1540, 43-1616, 7-133. D.C. Code 2-1727. D.C. Code 9-220. D.C. Code 43-1623.

CAPITAL OUTLAY

72 Stat. 15.

For reimbursement to the United States of funds loaned in compliance with the Act of August 7, 1946 (60 Stat. 896), as amended, and payments under the Act of July 2, 1954 (68 Stat. 443), construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), August 20, 1958 (72 Stat. 686), and the Act of December 9, 1969 (83 Stat. 320); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $94,281,000, of which $12,227,700 shall be payable from the highway fund, $2,200,000 from the water fund, and $1,020,000 from the sanitary sewage works fund: *Provided*, That $2,629,500 shall be available for construction services by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account, "Construction Services, Department of General Services": *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90–495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on June 30, 1974, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse.

D.C. Code 43-1510, 43-1604, 7-133, 9-220, 40-804, 1-1441 note.

82 Stat. 827. D.C. Code 7-135 note.

GENERAL PROVISIONS

Vouchers.

SECTION 1. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Maximum allowances.

SEC. 2. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Automobile allowances.

SEC. 3. Appropriations in this Act shall be available, when authorized or approved by the Commissioner, for allowances for privately owned automobiles used for the performance of official duties at 10 cents per mile but not to exceed $35 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and thirteen (eighteen for venereal disease investigators in the Department of Human Resources) such allowances at not more than $550 each per annum may be authorized or approved by the Commissioner.

Travel expenses; organization dues.

SEC. 4. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioner.

80 Stat. 416.

SEC. 5. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. 3109.

Taxicabs, restrictions.

SEC. 6. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring

the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

Street lighting.

SEC. 7. Appropriations in this Act shall not be available for the payment of rates for electric current for street lighting in excess of 2 cents per kilowatt-hour for current consumed.

Vehicle use.

31 USC 638a.

SEC. 8. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner.

Snow and ice control.

SEC. 9. Appropriations contained in this Act for highways and traffic and environmental services shall be available for snow and ice control work when ordered by the Commissioner in writing.

Judgment payments.

SEC. 10. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia, including refunds authorized by section 10 of the Act approved April 23, 1924 (43 Stat. 108): *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of Title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended.

D.C. Code 47-1910.

70 Stat. 78.
D.C. Code 47-1586j.

SEC. 11. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided*, That the limitation for "Construction Services, Department of General Services" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provided further*, That the limitation on expenditure of funds by the Chief of Police for prevention and detection of crime during the current fiscal year shall be $200,000: *Provided further*, That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable.

74 Stat. 17.

SEC. 12. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of subsection (b) of section 5 of the District of Columbia Public Assistance Act of 1962 and for the non-Federal share of funds necessary to qualify for Federal assistance under the Act of July 31, 1968 (Public Law 90-445).

76 Stat. 915.
D.C. Code 3-204.

82 Stat. 462.
42 USC 3801 note.

SEC. 13. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Chauffeur compensation, limitation.

SEC. 14. No part of any funds appropriated by this Act shall be used to pay the compensation (whether by contract or otherwise) of any individual for performing services as a chauffeur or driver for any designated officer or employee of the District of Columbia government (other than the Commissioner of the District of Columbia, Chief of Police and Fire Chief), or for performing services as a chauffeur

or driver of a motor vehicle assigned for the personal or individual use of any such officer or employee (other than the Commissioner of the District of Columbia, Chief of Police and Fire Chief). No part of any funds appropriated by this Act, in excess of $12,000 in the aggregate, shall, in any fiscal year, be used to pay the compensation (whether by contract or otherwise) of individuals for performing services as a chauffeur or driver for the Commissioner of the District of Columbia, or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of the Commissioner of the District of Columbia.

Overtime or temporary positions, cost limitation.

SEC. 15. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation (except temporary positions provided for Courts and Department of Corrections in this Act) may be used to pay the cost of overtime or temporary positions.

Travel expenditure, limitation.

SEC. 16. The total expenditure of funds appropriated by this Act for authorized travel and per diem costs outside the District of Columbia, Maryland, and Virginia shall not exceed $200,000.

SEC. 17. Appropriations in this Act shall not be available, during the fiscal year ending June 30, 1973, for the compensation of any person appointed—

(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 39,619; or

(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year except temporary employees provided for Courts and Department of Corrections in this Act.

SEC. 18. No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

Short title.

This Act may be cited as the "District of Columbia Appropriation Act, 1973".

Approved July 10, 1972.

Public Law 92-345

AN ACT

July 10, 1972
[H. R. 9410]

To amend title V of the Social Security Act to extend for one year (until June 30, 1973) the period within which certain special project grants may be made thereunder.

Maternal and child health services.
Special project grants, extension.
81 Stat. 921.
42 USC 702.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 502 of the Social Security Act is amended by striking out "each of the next 3 fiscal years" and inserting in lieu thereof "each of the next 4 fiscal years".

(b) Paragraph (2) of section 502 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

SEC. 2. (a) Section 505(a)(8) of the Social Security Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

(b) Section 505(a)(9) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

(c) Section 505(a)(10) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

(d) Section 508(b) of such Act is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

(e) Section 509(b) of such Act is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

(f) Section 510(b) of such Act is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

Approved July 10, 1972.

Public Law 92-346

AN ACT

July 11, 1972
[H. R. 11774]

To authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes.

Honokohau National Historical Landmark, Hawaii. Study.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds the site of Honokohau National Historical Landmark in the State of Hawaii encompasses unique and nationally significant cultural, historical, and archeological resources and believes that it may be in the national interest for the United States to preserve and interpret those resources for the education and inspiration of present and future generations. The Congress further believes that it is appropriate that the preservation and interpretation at that site be managed and performed by native Hawaiians, to the extent practical, and that training opportunities be provided such persons in management and interpretation of those cultural, historical, and archeological resources.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall study the feasibility and desirability of establishing as a part of the national park system an area, not to exceed one thousand five hundred acres, comprising the site of Honokohau National Historic Landmark and adjacent waters.

(b) As a part of such study other interested Federal agencies, and State and local bodies and officials shall be consulted, and the study shall be coordinated with other applicable planning activities.

Report to President and Congress.

SEC. 3. The Secretary shall submit to the President and the Congress within one year after the effective date of this Act, a report of the findings resulting from the study. The report of the Secretary shall contain, but not be limited to, findings with respect to the historic, cultural, archeological, scenic, and natural values of the resources involved and recommendations for preservation and interpretation of those resources, including the role of native Hawaiians relative to the management and performance of that preservation and interpretation and the providing to them of training opportunities in such management and performance.

Honokohau Study Advisory Commission, establishment.

SEC. 4. (a) There is hereby established a Honokohau Study Advisory Commission. The Commission shall cease to exist at the time of submission of the Secretary's report to the President and the Congress.

(b) The Commission shall be composed of fifteen members, at least ten of whom shall be native Hawaiians, appointed by the Secretary, as follows:

(1) Two members, one of whom will be appointed from recommendations made by each of the United States Senators representing the State of Hawaii, respectively;

(2) Two members, one of whom will be appointed from recommendations made by each of the United States Representatives for the State of Hawaii, respectively;

(3) Five public members, who shall have knowledge and experience in one or more fields as they pertain to Hawaii, of history, ethnology, anthropology, culture, and folklore and including representatives of the Bishop Museum, the University of Hawaii, and organizations active in the State of Hawaii in the conservation of resources, to be appointed from recommendations made by the Governor of the State of Hawaii;

(4) Five members to be appointed from recommendations made by local organizations representing the native Hawaiian people; and

(5) One member to be appointed from recommendations made by the mayor of the county of Hawaii.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Compensation.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall consult with the Commission with respect to matters relating to the making of the study.

Project restrictions.

SEC. 5. During the period commencing with enactment of this Act and ending with submission of the Secretary's report to the President and the Congress and any necessary completion of congressional consideration of recommendations included in that report (1) no department or agency of the United States shall, without prior approval of the Secretary, assist by loan, grant, license, or otherwise in the implementation of any project which, in the determination of the Secretary, would unreasonably diminish the value of cultural, historical, archeological, scenic, or natural resources relating to lands or waters having potential to comprise the area referred to in section 2(a) of this Act and (2) the Chief of Engineers, Department of the Army, shall not, without prior approval of the Secretary, undertake or assist by license or otherwise the implementation of any project which, in the determination of the Secretary, would diminish the value of natural resources located within one-quarter mile of the lands and waters having potential to comprise that area.

"Native Hawaiian."

SEC. 6. The term "native Hawaiian", as used in this Act, means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to the year 1778.

Appropriation.

SEC. 7. There are authorized to be appropriated not to exceed $50,000 to carry out the provisions of this Act.

Approved July 11, 1972.

Public Law 92-347

AN ACT

July 11, 1972
[S. 1893]

To amend the Land and Water Conservation Fund Act to restore the Golden Eagle Passport Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 1(b) of the Act of July 15, 1968 (82 Stat. 354) is hereby repealed.

Golden Eagle Passport Program. Restoration.

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 460l), is further amended by inserting the following new section and renumbering subsequent sections accordingly:

16 USC 460*l*-5 note.
16 USC 460*l*-4 note.

"ADMISSION AND SPECIAL RECREATION USE FEES: ESTABLISHMENT AND REGULATIONS

"SEC. 4. (a) ADMISSION FEES.—Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other Federally owned areas used for outdoor recreation purposes.

"(1) For admission into any such designated area, an annual admission permit (to be known as the 'Golden Eagle Passport') shall be available, for a fee of not more than $10. Any person purchasing the annual permit, and any person accompanying him, in a single, private, noncommercial vehicle shall be entitled to general admission into any admission fee area designated pursuant to this section during the calendar year in which the annual fee is paid, but such permit shall not authorize any use of specialized sites, facilities, equipment, or services for which additional fees are charged pursuant to subsection (b) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (d). The annual permit shall be available for purchase through the offices of the Secretary of the Interior and the Secretary of Agriculture and through all post offices of the first- and second-class and at such others as the Postmaster General shall direct. The Secretary of the Interior shall transfer to the Postal Service from the receipts thereof such funds as are adequate for the reimbursement of the cost of the service so provided.

"Golden Eagle Passport."

Postal Service, reimbursement.

"(2) Reasonable admission fees for a single visit at any designated area shall be established by the administering Secretary for persons who choose not to purchase the annual permit or who enter such an area by means other than by private, noncommercial vehicle.

Single-visit fees.

"(3) No admission fee shall be charged for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.

Fee-free travel areas.

72 Stat. 885.

Smoky Mountains National Park.

"(4) The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of an annual entrance permit (to be known as the 'Golden Age Passport') to any

"Golden Age Passport."

person sixty-two years of age or older applying for such permit. Such permit shall be nontransferable, shall be issued without charge, and shall entitle the bearer and any person accompanying the bearer in a single, private noncommercial vehicle to entry into any admission fee area designated pursuant to this section. No other free permits shall be issued to any person: *Provided*, That no fees of any kind shall be collected from any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business and *Provided further*, That for no more than three years after the date of enactment of this Act, visitors to the United States will be granted entrance, without charge, to any designated admission fee area upon presentation of a valid passport.

Foreign visitors.

"(b) SPECIAL RECREATION USE FEES.—Each Federal agency developing, administering, or providing specialized sites, facilities, equipment, or services related to outdoor recreation shall provide for the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense.

"(1) Daily use fees for overnight occupancy within areas specially developed for such use shall be determined on the basis of the value of the capital improvements offered, the cost of the services furnished, and other pertinent factors. Any person bearing a valid Golden Age Passport issued pursuant to paragraph (4) of subsection (a) of this section shall be entitled upon presentation of such permit to utilize such special recreation facilities at a rate of fifty per centum of the established daily use fee.

Special permits.

"(2) Special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and at fees established by the agency involved.

Fees, criteria, posting, uniformity.

"(c) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors. Clear notice that an admission fee or special recreation use fee has been established shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas. It is the intent of this Act that comparable fees should be charged by the several Federal agencies for comparable services and facilities.

Rules and regulations.

"(d) In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any entrance fee and/or special recreation use fee, as the case may be.

Enforcement.

Persons authorized by the heads of such Federal agencies to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100.

82 Stat. 1115.
Penalty.

"(e) Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees collected shall be covered into a special account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the Land and Water Conservation Fund. Revenues in the special account shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: *Provided, however*, That not more than forty per centum of the amount so credited may be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof. Fee disposition.

"(f) Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it affect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

"(g) Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the Bureau of Outdoor Recreation and transmitted to the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Bureau may have with respect to improving this aspect of the land and water conservation fund program." Annual reports to congressional committees.

SEC. 3. (a) The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of "The Golden Eagle Insignia", originated by the Department of the Interior and announced in the December 3, 1970, issue of the Federal Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund. "Golden Eagle Insignia", royalties. 43 CFR Part 18.

(b) Chapter 33 of title 18 of the United States Code is amended by adding the following new section thereto: 62 Stat. 731; 82 Stat. 291; 84 Stat. 870. 18 USC 700.

"§ 715. 'The Golden Eagle Insignia'

"As used in this section, 'The Golden Eagle Insignia' means the words 'The Golden Eagle' and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

"Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses 'The Golden Eagle Insignia', or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake, or to deceive, shall be fined not more than $250 or imprisoned not more than six months, or both. Penalty.

"The use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this Act shall not be a violation of this section.

"A violation of this section may be enjoined at the suit of the Attorney General, upon complaint by the Secretary of the Interior."

(c) The analysis of chapter 33 immediately preceding section 701 of title 18 is amended by adding at the end thereon:

"715. 'The Golden Eagle Insignia'."

Termination.

(d) The rights in "The Golden Eagle Insignia" under this Act, shall terminate if the use by the Secretary of the Interior of "The Golden Eagle Insignia" is abandoned. Nonuse for a continuous period of two years shall constitute abandonment.

Approved July 11, 1972.

Public Law 92-348

July 13, 1972
[S. 979]

AN ACT

To amend the Act of September 30, 1965, relating to high-speed ground transportation, to enlarge the authority of the Secretary to undertake research and development, to remove the termination date thereof, and for other purposes.

High-speed ground transportation.
Research extension.
79 Stat. 893.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (49 U.S.C. 1631), is amended by inserting "and door-to-door ground transportation" immediately after "high-speed ground transportation".

Demonstration program.

(b) The first sentence of section 2 of such Act (49 U.S.C. 1632) is amended to read as follows: "The Secretary is authorized to contract for demonstrations to determine the contributions that high-speed ground transportation and door-to-door ground transportation could make to more efficient, safe, and economical intercity transportation systems.".

Contracts.

SEC. 2. (a) Section 8(a) of such Act (49 U.S.C. 1638(a)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) respectively, and by inserting immediately after paragraph (1) the following new paragraph:

"(2) In awarding contracts in connection with research and development and demonstration projects under this Act, the Secretary shall give priority to proposals which will increase employment in labor areas (as those areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations)—

"(A) which are experiencing a rate of unemployment of 9 per centum or more of the area's work force, or a rate of unemployment of 150 per centum or more of the federally determined unemployment rate for the entire United States; or

"(B) which have experienced a 1 per centum increase in unemployment, as determined by the Secretary of Labor, of the available work force as a result of the termination or reduction of a federally financed or supported program and such increase in unemployment continues to exist.

Nothing in this paragraph shall be construed to require that any contract awarded under this Act must be wholly performed in any one labor area.".

(b) Paragraph (3), as so redesignated by subsection (a) of this section, is amended to read as follows:

"(3) Except as provided in paragraph (2) of this subsection, the private agencies, institutions, organizations, corporations, and individuals with which the Secretary enters into agreements or contracts to carry out research and development under this Act shall, to the maximum extent practicable, be geographically distributed throughout the United States.".

SEC. 3. The first sentence of section 11 of such Act (49 U.S.C. 1641) is amended by striking out "and" by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "$97,000,000 for the fiscal year ending June 30, 1973; $126,000,000 for the fiscal year ending June 30, 1974; and $92,900,000 for the fiscal year ending June 30, 1975.". Appropriation. 79 Stat. 895; 82 Stat. 424; 84 Stat. 915.

SEC. 4. Section 12 of such Act (49 U.S.C. 1642) is repealed. Repeal.

SEC. 5. (a) Section 504(a)(3) of the Interstate Commerce Act (49 U.S.C. 1234(a)(3)) is amended by striking out "fifteen years after the date thereof" and inserting in lieu thereof "twenty-five years after the date thereof". 72 Stat. 569.

(b) Section 505 of the Interstate Commerce Act (49 U.S.C. 1235) is amended by inserting immediately after "renewal or extension of any such guaranty" the following: "for any period of time not exceeding twenty-five years from the date of the original guaranty".

SEC. 6. Part V of the Interstate Commerce Act (49 U.S.C. 1231 et seq.) is amended by renumbering section 510 as section 511 and by inserting immediately after section 509 the following new section:

"AUDIT BY COMPTROLLER GENERAL

"SEC. 510. (a) In any case in which—

"(1) there is outstanding any guaranty by the Commission made under this part; or

"(2) the Secretary of the Treasury is required to make any payment as a consequence of any guaranty by the Commission made under this part;

the financial transactions of the common carrier by railroad subject to this Act with respect to which such guaranty was made may be audited by the Comptroller General of the United States under such rules and regulations as he may prescribe. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such common carrier by railroad pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

"(b) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the common carrier by railroad involved in such audit, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, adversely affects the financial operations or condition of the common carrier by railroad involved in such audit or lessens the protection afforded the United States at the time the original guaranty was made. A copy of each report shall be furnished to the Commission at the time it is submitted to the Congress.". Report to Congress.

Approved July 13, 1972.

Public Law 92-349

July 13, 1972
[H. R. 15507]

AN ACT

To amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes.

National Capital Transportation Act of 1972.

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 Capital Transportation Act of 1972".

TITLE I—FEDERAL GUARANTEES OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY OBLIGATIONS

83 Stat. 320.
D. C. Code 1-1441 note.

SEC. 101. The National Capital Transportation Act of 1969 is amended by adding at the end thereof the following new sections:

"GUARANTEE OF TRANSIT AUTHORITY OBLIGATIONS

"SEC. 9. (a) The Secretary of Transportation is authorized to guarantee, and to enter into commitments to guarantee, upon such terms and conditions as he may prescribe, payment of principal of and interest on bonds and other evidences of indebtedness (including short-term notes) issued with the approval of the Secretary of the Treasury by the Transit Authority under the Compact. No such guarantee or commitment to guarantee shall be made unless the Secretary of Transportation determines and certifies that—

Conditions.

"(1) the obligation to be guaranteed represents an acceptable financial risk to the United States and the prospective revenues of the Transit Authority (including payments under section 10) furnish reasonable assurance that timely payments of interest on such obligation will be made;

"(2) the Transit Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Transit Authority respecting its financial condition if at any time the Secretary, in his discretion, determines that such action would be necessary to protect the interest of the United States;

"(3) unless the obligation is a short-term note (as determined by the Secretary), it will be sold through a process of competitive bidding as prescribed by the Secretary of Transportation; and

"(4) the rate of interest payable with respect to such obligation is reasonable in light of prevailing market yields.

Notwithstanding clause (3) of the preceding sentence, the Secretary of Transportation may guarantee an obligation under this section sold through a process of negotiation if he makes a determination that prevailing market conditions would result in a higher net interest cost or would otherwise increase the cost of issuing the obligation if the obligation was sold through the competitive bidding process. The Secretary's determination shall be in writing and shall contain a detailed explanation of the reasons therefor.

Conclusive evidence of eligibility.

"(b) Any guarantee of obligations made by the Secretary of Transportation under this section shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of a holder of the guaranteed obligation.

"(c) The aggregate principal amount of obligations which may be guaranteed under this section shall not exceed $1,200,000,000; except that (1) no obligation may be guaranteed under this section if, taking into account the principal amount of that obligation, the aggregate amount of principal of outstanding obligations guaranteed under this section exceeds $900,000,000 unless the local participating governments (A) make, in accordance with agreements entered into with the Transit Authority, capital contributions to the Transit Authority for the Adopted Regional System in a total amount not less than 50 per centum of the amount by which the principal of such obligation causes such aggregate amount of principal to exceed $900,000,000, or (B) have entered into enforceable commitments with the Transit Authority to make such contributions by the end of the fiscal year in which such obligation is issued, and (2) obligations eligible for guarantees under this section which are issued solely for the purpose of refunding existing obligations previously guaranteed under this section may be guaranteed without regard to the $1,200,000,000 limitation. Limitations.

"(d) The interest on any obligation of the Transit Authority issued after the date of the enactment of this section shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954. 68A Stat. 5. 26 USC 1.

"REIMBURSEMENT FOR INTEREST AND RELATED COSTS

"SEC. 10. The Secretary of Transportation shall make periodic payments to the Transit Authority upon request therefor by the Transit Authority in such amounts as may be necessary to equal one-fourth of the total of the—

"(1) net interest cost, and

"(2) fees, commissions, and other costs of issuance,

which the Secretary determines the Transit Authority incurred on its obligations issued after the date of the enactment of this section.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 11. (a) There are authorized to be appropriated to the Secretary of Transportation such amounts as may be necessary to enable him to discharge his responsibilities under guarantees issued by him under section 9 and to make the payments to the Transit Authority in accordance with section 10. Amounts appropriated under this section shall be available without fiscal year limitation.

"(b) If at any time the moneys available to the Secretary of Transportation are insufficient to enable him to discharge his responsibilities under guarantees issued by him under section 9 or to make payments to the Transit Authority in accordance with section 10, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary of Transportation from appropriations available under subsection (a) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of Notes or obligations, issuance. 40 Stat. 288. 31 USC 774.

the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"OBLIGATIONS AS LAWFUL INVESTMENTS

"SEC. 12. (a) Obligations issued by the Transit Authority which are guaranteed by the Secretary of Transportation under section 9 shall be lawful investments, and may be accepted as security for fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof, and shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission to the same extent as securities which are issued by the United States.

Ante, p. 464.

"(b) The sixth sentence of the paragraph of section 5136 of the Revised Statutes of the United States designated 'Seventh' (12 U.S.C. 24) is amended by inserting ', or obligations of the Washington Metropolitan Area Transit Authority which are guaranteed by the Secretary of Transportation under section 9 of the National Capital Transportation Act of 1969' immediately following 'or general obligations of any State or of any political subdivision thereof'.

"(c) Any building association, building and loan association, or savings and loan association, incorporated or unincorporated, orgaganized and operating under the laws of the District of Columbia, or any Federal savings and loan association, may invest its funds in obligations of the Transit Authority which are guaranteed by the Secretary of Transportation under section 9."

Study.

SEC. 102. The Secretary of Transportation shall:

(1) conduct a study to determine the additional funds (if any) needed to bring the facilities and services of the Adopted Regional System into conformity with the national policy respecting the needs of the elderly and the handicapped stated in section 16(a) of the Urban Mass Transportation Act of 1964, and

84 Stat. 967.
49 USC 1612.

(2) report to the Congress the results of such study.

Report to Congress.

TITLE II—INCREASED DISTRICT OF COLUMBIA CONTRIBUTION

SEC. 201. (a) Section 4(a) of the National Capital Transportation Act of 1969 (D.C. Code, sec. 1–1443(a)) is amended (1) by striking out "$216,500,000" and inserting in lieu thereof "$269,700,000", and (2) by striking out "$166,500,000" and inserting in lieu thereof "$219,700,000".

83 Stat. 321.

(b) Paragraph (3) of subsection (b) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9–220(b)(3)) is amended (1) by striking out "$216,500,000" and inserting in lieu thereof "$269,700,000", and (2) by striking out "$166,500,000" and inserting in lieu thereof "$219,700,000".

83 Stat. 321.

TITLE III—COMPACT AMENDMENTS

SEC. 301. (a) The Congress hereby consents to amendments to articles I, III, VII, IX, XI, XIV, and XVI of title III of the Washington Metropolitan Area Transit Regulation Compact (D.C. Code, sec. 1–1431 note) substantially as follows:

Washington Metropolitan Area Transit Authority Compact, amendments.
80 Stat. 1324.

(1) Section 1(g) of article I is amended to read as follows:

"(g) 'Transit services' means the transportation of persons and their packages and baggage by means of transit facilities between points within the Zone including the transportation of newspapers, express, and mail between such points, and charter service which originates within the Zone but does not include taxicab service or individual-ticket-sales sightseeing operations; and".

80 Stat. 1325. D.C. Code 1-1431 note. "Transit services."

(2) Section 5(a) of article III is amended to read as follows:

"5. (a) The Authority shall be governed by a Board of six Directors consisting of two Directors for each signatory. For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia by the City Council of the District of Columbia from among its members, the Commissioner and the Assistant to the Commissioner of the District of Columbia; and for Maryland, by the Washington Suburban Transit Commission. In each instance the Director shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with his term on the body by which he was appointed. A director may be removed or suspended from office only as provided by the law of the signatory from which he was appointed. The appointing authorities shall also appoint an alternate for each Director, who may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate shall serve at the pleasure of the appointing authority. In the event of a vacancy in the office of Director or alternate, it shall be filled in the same manner as an original appointment."

(3) Section 21 of article VII is amended to read as follows:

"Temporary Borrowing

"21. The Board may borrow, in anticipation of receipts, from any signatory, the Washington Suburban Transit District, the Northern Virginia Transportation District or any component government thereof, or from any lending institution for any purposes of this title, including administrative expenses. Such loans shall be for a term not to exceed two years and at such rates of interest as shall be acceptable to the Board. The signatories and any such political subdivision or agency may, in its discretion, make such loans from any available money."

(4) Section 35 of article IX is amended to read as follows:

"Interest

"35. Bonds shall bear interest at such rate or rates as may be determined by the Board, payable annually or semiannually."

(5) Section 39 of article IX is amended to read as follows:

"Sale

"39. The Board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The Board may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the Authority calculated upon the entire issue so sold in excess of the applicable rate determined by the

Board, payable semiannually, computed with relation to the absolute maturity of the bonds according to standard tables of bond values, deducting the amount of any premium to be paid on the redemption of any bonds prior to maturity. All bonds issued and sold pursuant to this title may be sold in such manner, either at public or private sale, as the Board shall determine."

80 Stat. 1340. D. C. Code 1-1431 note.

(6) Section 51 of article XI is amended to read as follows:

"Operation by Contract or Lease

"51. Any facilities and properties owned or controlled by the Authority may be operated by the Authority directly or by others pursuant to contract or lease as the Board may determine."

(7) Section 66 of article XIV is amended to read as follows:

"Operations

"66. (a) The rights, benefits, and other employee protective conditions and remedies of section 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609(c)), as determined by the Secretary of Labor shall apply to the operation by the Washington Metropolitan Area Transit Authority of any mass transit facilities owned or controlled by it and to any contract or other arrangement for the operation of transit facilities. Whenever the Authority shall operate any transit facility or enter into any contractual or other arrangements for the operation of such transit facility the Authority shall extend to employees of affected mass transportation systems first opportunity for transfer and appointment as employees of the Authority in accordance with seniority, in any nonsupervisory job in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employee's position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits and rights and privileges pertaining thereto.

78 Stat. 307; 80 Stat. 715.

"(b) The Authority shall deal with and enter into written contracts with employees as defined in section 152 of title 29, United States Code, through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions.

61 Stat. 137.

"(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, the Authority shall submit such dispute to arbitration by a board composed of three persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the board of arbitration, thus established shall be final and binding on all matters in dispute. If after a period of ten days from the date of the appointment of the two arbitrators representing the Authority and the labor organization, the third arbitrator has not been selected,

then either arbitrator may request the Federal Mediation and Conciliation Service to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the Authority and the labor organization, promptly after the receipt of such list shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term 'labor dispute' shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements and any grievance that may arise and questions concerning representation. Each party shall pay one-half of the expenses of such arbitration.

"Labor dispute."

"(d) The Authority is hereby authorized and empowered to establish and maintain a system of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by resolution of the Authority; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible for admission to, or receive any benefits from, any other pension system (except social security benefits), which is financed or funded, in whole or in part, directly or indirectly by funds paid or appropriated by the Authority to such other pension system, and to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions, conditions, restrictions and classifications as may be provided by resolution of the Authority. Such pension system shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine, no officer or employee of the Authority and no beneficiary or dependent of any such officer or employee shall be eligible to receive any pension or retirement or other benefits both from or under any such pension system and from or under any pension or retirement system established by an acquired transportation system or established or provided for, by or under the provisions of any collective bargaining agreement between the Authority and the representatives of its employees.

"(e) Whenever the Authority acquires existing transit facilities from a public or privately owned utility either in proceeding by eminent domain or otherwise, the Authority shall assume and observe all existing labor contracts and pension obligations. When the Authority acquires an existing transportation system, all employees who are necessary for the operation thereof by the Authority shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of this title. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system

acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representative transferred to the trust fund to be established, maintained and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the Authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits, than he enjoyed as an employee of such acquired transportation system."

80 Stat. 1350. D. C. Code 1-1431 note.

(8) Section 79 of article XVI is amended to read as follows:

"Reduced Fares

"79. The District of Columbia, the Northern Virginia Transportation District, the Washington Suburban Transit District and the component governments thereof, may enter into contracts or agreements with the Authority to make equitable payments for fares lower than those established by the Authority pursuant to the provisions of article XIII hereof for any specified class or category of riders."

(b) The Commissioner of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth in subsection (a), to title III of the Washington Metropolitan Area Transit Regulation Compact with the States of Virginia and Maryland.

D. C. Code 1-1431 note.

Approved July 13, 1972.

Public Law 92-350

July 13, 1972
[S. J. Res. 245]

JOINT RESOLUTION

Authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month".

National Voter Registration Month. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the importance of Congress promotion and encouragement of voter registration by all qualified citizens, especially those newly enfranchised by the twenty-sixth amendment to the Constitution, the President is authorized and directed to proclaim the period beginning September 1, 1972, and ending September 30, 1972, as "National Voter Registration Month", and to call upon the people of the United States to observe such month with appropriate ceremonies and activities.

Approved July 13, 1972.

Public Law 92-351

AN ACT

July 13, 1972
[H. R. 15585]

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, 1973, 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 Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes, namely:

Treasury, Postal Service, and General Government Appropriation Act, 1973.

TITLE I—TREASURY DEPARTMENT

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 $7,500 for official reception and representation expenses; $12,500,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including the hire of passenger motor vehicles, $2,000,000.

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Accounts, $62,241,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For an additional amount for payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722), $300,000, to remain available until expended.

50 Stat. 479.

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 seventy-six for replacement only, for police-type use), and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rate as may be determined by the Director, $73,727,000.

82-081 O - 73 - 33

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Customs, including purchase of one hundred and eighty-four passenger motor vehicles for replacement only, including one hundred and seventy-four for police-type use; acquisition (purchase of two), operation, and maintenance of aircraft; hire of passenger motor vehicles and aircraft; not to exceed $50,000 for unforeseen emergencies of a confidential character to be expended under the direction of the Secretary of the Treasury and accounted for solely on his certificate; and awards of compensation to informers as authorized by the Act of August 13, 1953 (22 U.S.C. 401); $209,000,000.

67 Stat. 577.

BUREAU OF ENGRAVING AND PRINTING FUND

For additional capital for the Bureau of Engraving and Printing Fund established by the Act of August 4, 1950 (Public Law 656), $3,000,000, to remain available until expended.

64 Stat. 408.
31 USC 181a.

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; $24,000,000.

CONSTRUCTION OF MINT FACILITIES

For expenses necessary for construction of Mint facilities, as authorized by the Act of August 20, 1963, as amended (31 U.S.C. 291–294), $2,000,000, to remain available until expended.

77 Stat. 129.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $74,000,000.

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; $34,500,000.

ACCOUNTS, COLLECTION 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 $50,000,000 for temporary employment and not to exceed $143,000 for salaries of personnel engaged in preemployment training of data transcriber applicants; $508,000,000.

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 seventy-four 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 Commissioner; $590,000,000.

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For necessary expenses of the Office of the Treasurer, $11,300,000.

CHECK FORGERY INSURANCE FUND

To increase the capital of the "Check forgery insurance fund", in accordance with section 1 of the Act approved November 21, 1941 (31 U.S.C. 561), $1,800,000, to remain available until expended. 55 Stat. 777.

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; and training and assistance requested by State and local governments which may be provided without reimbursement; and not to exceed $50,000 for unforeseen emergencies of a confidential character, to be expended under the direction of the Secretary of the Treasury and accounted for solely on his certificate; $62,650,000.

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, and services as authorized by title 5, United States Code, section 3109. 80 Stat. 508; 81 Stat. 206. 80 Stat. 416.

SEC. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any country which does not grant to the United States Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority, as may be approved by the Secretary of the Treasury.

Citation of title.

This title may be cited as the "Treasury Department Appropriation Act, 1973".

TITLE II—UNITED STATES 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, $1,410,000,000.

84 Stat. 743.

84 Stat. 739.

Citation of title.

This title may be cited as the "Postal Service Appropriation Act, 1973".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

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.

63 Stat. 4; 83 Stat. 3.

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), $1,369,000.

60 Stat. 23.

DISASTER RELIEF

For expenses necessary to carry out the functions of the Office of Emergency Preparedness under the Disaster Relief Act of 1970 (Public Law 91–606), authorizing assistance to States and local governments in major disasters, $92,500,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

84 Stat. 1744. 42 USC 4401 note.

DOMESTIC COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Domestic Council, including services as authorized by title 5, United States Code, section 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; $1,800,000.

80 Stat. 416.

5 USC 5332 note.

ECONOMIC STABILIZATION ACTIVITIES

SALARIES AND EXPENSES

For expenses necessary to carry out the Economic Stabilization Act of 1970, as amended, including activities under Executive Orders No. 11615 of August 15, 1971, and No. 11627 of October 15, 1971, both as amended; 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 GS–18, $26,000,000: *Provided*, That advances or repayments from the above amounts may be made to any department or agency for expenses of carrying out such activities.

85 Stat. 743.
12 USC 1904 note.
3 CFR 1971 Comp., p. 199, 218.
80 Stat. 416.
5 USC 5332 note.

EMERGENCY FUND FOR THE PRESIDENT

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, $1,000,000: *Provided*, That no part of this appropriation shall be available for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Ninety-second Congress or the first session of the Ninety-third Congress and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

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, and traveling expenses, 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, $1,372,000.

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by title 5, United States Code, section 3109, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Office of Management and Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, $700,000, to remain available until expended, and to be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended.

31 USC 665.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

80 Stat. 416.

For expenses necessary for the National Security Council, including services as authorized by title 5, United States Code section 3109, $2,762,000.

OFFICE OF EMERGENCY PREPAREDNESS

SALARIES AND EXPENSES

For expenses necessary for the Office of Emergency Preparedness, including services as authorized by 5 U.S.C. 3109, reimbursement of the General Services Administration for security guard services, hire of passenger motor vehicles, and expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency planning, $6,404,000.

DEFENSE MOBILIZATION FUNCTIONS OF FEDERAL AGENCIES

For expenses necessary to assist other Federal agencies to perform civil defense and defense mobilization functions, including payments by the Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, $3,471,000.

OFFICE OF INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary for the Office of Intergovernmental Relations, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $322,000.

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 title 5, United States Code, section 3109, $19,600,000.

OFFICE OF TELECOMMUNICATIONS POLICY

SALARIES AND EXPENSES

For expenses necessary for the conduct of telecommunications functions assigned to the Director of Telecommunications Policy, including services as authorized by 5 U.S.C. 3109, $3,000,000: *Provided*, That not to exceed $1,025,000 of the foregoing amount shall remain available for telecommunications studies and research until expended.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

SALARIES AND EXPENSES

For necessary expenses of the Special Action Office for Drug Abuse Prevention, including grants and contracts for drug abuse prevention and treatment programs, $6,856,000, to remain available until expended.

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, including 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 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, $773,000.

80 Stat. 416.
5 USC 5332 note.
83 Stat. 864.
5 USC 5313 note.

SPECIAL PROJECTS

For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, $1,500,000: *Provided*, That not to exceed 20 per centum of this appropriation may be used to reimburse the appropriation for "Salaries and expenses, The White House Office", for administrative services: *Provided further*, That not to exceed $10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office, including not to exceed $2,250,000 for services as authorized by title 5, United States Code, section 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; newspapers, periodicals, teletype news service, and travel (not to exceed $75,000), and official entertainment expenses of the President, to be accounted for solely on his certificate; $9,767,000.

This title may be cited as the "Executive Office Appropriation Act, 1973".

Citation of title.

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.), $450,000.

80 Stat. 388; 83 Stat. 446.

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), $794,000.

80 Stat. 1162. 42 USC 4271 *et seq.*

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; $65,859,000, together with not to exceed $12,000,000 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.

80 Stat. 416.

22 USC 287 note.

3 CFR 1943-1948 Comp., p. 256.

ANNUITIES UNDER SPECIAL ACTS

For payment of annuities authorized by the Act of May 29, 1944, as amended (48 U.S.C. 1373a), and the Act of August 19, 1950, as amended (33 U.S.C. 771–775) $1,144,000, to remain available until expended.

58 Stat. 257; 70 Stat. 607. 64 Stat. 518, 520.

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, $137,608,000, to remain available until expended.

80 Stat. 599; 84 Stat. 869. 5 USC 8901.

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, $546,570,000, to be credited to the Civil Service retirement and disability fund. 80 Stat. 584; 83 Stat. 137.

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. 84 Stat. 1909. 42 USC 4701 note.

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, $764,000: *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 at the rate of not to exceed the per diem rate equivalent to the rate for grade GS–18. 5 USC 7301 note. 80 Stat. 499; 83 Stat. 190. 5 USC 5332 note.

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

SALARIES AND EXPENSES

For necessary expenses of the Commission on Executive, Legislative, and Judicial Salaries, authorized by section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642–645), $100,000. 2 USC 351 *et seq.*

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, established by the Act of June 23, 1971 (Public Law 92–28), including hire of passenger motor vehicles, $200,000. 85 Stat. 77. 41 USC 48c.

GENERAL SERVICES ADMINISTRATION

PUBLIC BUILDINGS SERVICE

OPERATING EXPENSES

For necessary expenses, not otherwise provided for, of real property management and related activities as provided by law; 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 building

space; acquisition by purchase or otherwise of real estate and interests therein; and contractual services incident to cleaning or servicing buildings and moving; $437,500,000: *Provided*, That this appropriation shall be available to provide such 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 title 18, U.S.C. 3056: *Provided further*, That this appropriation and the "Buildings Management Fund" (40 U.S.C. 490(f)), 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, 1968 (62 Stat. 281; 40 U.S.C. 318c): *Provided further*, That none of the funds made available under this head shall be available for the acquisition of unimproved real property or real property having improvements of negligible value for Government purposes.

65 Stat. 122; 84 Stat. 1892.
Ante, p. 218.
84 Stat. 739.

Unimproved real property, acquisition, prohibition.

REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS

For expenses, not otherwise provided for, necessary to alter public buildings pursuant to the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615), and to alter other federally owned buildings, including grounds, approaches and appurtenances, wharves and piers, together with the necessary dredging adjacent thereto; and care and safeguarding of sites; preliminary planning of projects by contract or otherwise; maintenance, preservation, demolition, and equipment; $88,045,000, to remain available until expended: *Provided*, That for the purposes of this appropriation, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356) and buildings under the control of another department or agency where alteration of such buildings is 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 public buildings: *Provided further*, That none of the funds made available under this head shall be available for the acquisition of unimproved real property or real property having improvements of negligible value for Government purposes.

Ante, p. 216.

68 Stat. 518.

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses, not otherwise provided for, necessary to construct and acquire public buildings projects and alter public buildings by extension or conversion where the estimated cost

for a project is in excess of $500,000, pursuant to the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615), including fallout shelters and equipment for such buildings, $203,312,000, and not to exceed $500,000 of this amount shall be available to the Administrator for construction or alteration of small public buildings outside the District of Columbia as the Administrator approves and deems necessary, all to remain available until expended: *Provided*, That the foregoing amount shall be available for public buildings projects at locations and at maximum construction improvement costs (excluding funds for sites and expenses), as follows:

Ante, p. 216.

Border station facility numbered 2, Nogales, Arizona, $2,368,000;

Federal office building, Tucson, Arizona, $5,533,000;

Courthouse, Federal office building, and parking facility, San Diego, California, $44,955,000;

Federal office building, Dover, Delaware, $1,577,000;

Post office and Federal office building, Iowa City, Iowa, $4,497,000;

Patrick V. McNamara Federal office building, Detroit, Michigan, $56,459,000;

Courthouse and Federal office building, Hattiesburg, Mississippi, $2,636,000;

Courthouse, Federal office building, and parking facility, Lincoln, Nebraska, $21,307,000;

Courthouse and Federal office building, Syracuse, New York, $19,087,000;

Courthouse, Federal office building, and parking facility, Akron, Ohio, $16,168,000;

Courthouse and Federal office building, San Juan, Puerto Rico, $20,471,000;

Peace Arch border station, Blaine, Washington, $1,657,000; and

Post office and courthouse, La Crosse, Wisconsin, $6,097,000: *Provided further*, That the foregoing limits of costs may be exceeded to the extent that savings are effected in other projects, but by not to exceed 10 per centum.

Appropriations herein and heretofore granted under this heading shall be available without regard to the second proviso under this heading in the Second Supplemental Appropriations Act, 1972.

Ante, p. 175.

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses necessary in connection with the construction of public buildings projects not otherwise provided for, including preliminary planning by contract or otherwise, and the alteration of public buildings and other federally owned buildings (including buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356) and buildings under the control of another department or agency where alteration of such buildings is required in connection with the moving of such department or agency from buildings then, or thereafter to be, under the control of the General Services Administration) not otherwise provided for, $25,031,000, to remain available until expended.

68 Stat. 518.

PAYMENTS, PUBLIC BUILDINGS PURCHASE CONTRACTS

For payments of principal, interest, taxes, and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), $2,450,000.

EXPENSES, UNITED STATES COURT FACILITIES

For necessary expenses, not otherwise provided for, to provide directly or indirectly, additional space for the United States Courts incident to expansion of facilities (including rental of buildings in the District of Columbia and elsewhere and moving and space adjustments), and furniture and furnishings, $5,344,000.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided, necessary for supply distribution, procurement, inspection, operation of the stores depot system (including contractual services incident to receiving, handling, and shipping warehouse items), and other supply management and related activities, as authorized by law, $93,000,000.

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, $31,245,000, of which $500,000 for allocations and grants for historical publications as authorized by 44 U.S.C. 2504 shall remain available until expended.

82 Stat. 1294.

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, $1,200,000.

50 USC 401 note.

TRANSPORTATION AND COMMUNICATIONS SERVICES

OPERATING EXPENSES

For necessary expenses of transportation, communications, and other public utilities management and related activities, as provided by law, including services as authorized by 5 U.S.C. 3109, $7,500,000.

80 Stat. 416.

PROPERTY MANAGEMENT AND DISPOSAL SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to the utilization of excess property; the disposal of surplus property; the rehabilitation of personal property; the appraisal of real and personal property;

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); including services as authorized by 5 U.S.C. 3109 and reimbursement for security guard services, $41,000,000, of which $33,000,000 shall be derived from proceeds from transfers of excess property, disposal of surplus property, and sales of stockpile materials: *Provided*, That $8,000,000 of the amount appropriated herein shall remain available until expended for expenses of sale of rare silver dollars authorized by section 205 of the Bank Holding Company Act Amendments of 1970: *Provided further*, 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 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 the 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)).

60 Stat. 596; 85 Stat. 427.
80 Stat. 1528. 7 USC 1704.
80 Stat. 416.
84 Stat. 1769. 31 USC 317e note.
60 Stat. 598.
64 Stat. 798.
65 Stat. 133.

OFFICE OF ADMINISTRATOR

SALARIES AND EXPENSES

For expenses of executive direction for activities under the control of the General Services Administration, $1,450,000: *Provided*, That not to exceed $2,500 shall be available for reception and representation expenses.

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), $408,000: *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 (e) of such Act.

72 Stat. 838; 84 Stat. 1963.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963, as amended (3 U.S.C. 102, note), $900,000, to remain available until June 30, 1974.

78 Stat. 153.

ADMINISTRATIVE OPERATIONS FUND

Funds available to General Services Administration for administrative operations, in support of program activities, shall be expended and accounted for, as a whole, through a single fund: *Provided*, That costs and obligations for such administrative operations for the respective program activities shall be accounted for in accordance with systems approved by the General Accounting Office: *Provided further*, That the total amount deposited into said account for the current fiscal year from funds made available to General Services Administration from any source except advances and reimbursements received from other agencies under Section 601 of the Economy Act of 1932, as amended (31 U.S.C. 686), shall not exceed $37,100,000: *Provided further*, That amounts deposited into said account for administrative operations for each program shall not exceed the amounts included in the respective program appropriations for such purposes.

47 Stat. 417; 57 Stat. 219.

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.

61 Stat. 589.

62 Stat. 1225. 50 USC 451 and note.

SEC. 2. Appropriations to the General Services Administration under the heading "Construction, Public Buildings Projects" shall be available, subject to the provisions of the Public Buildings Act of 1959 for (1) acquisition of buildings and sites thereof by purchase, condemnation, or otherwise, including prepayment of purchase contracts, (2) extension or conversion of Government-owned buildings, and (3) construction of new buildings, in addition to those set forth under that appropriation: *Provided*, That nothing herein shall authorize an expenditure of funds for acquisition, extension or conversion, or construction without the approval of the Committees on Appropriations of the Senate and House of Representatives.

73 Stat. 479. 40 USC 601 note.

SEC. 3. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

Transfer of funds.

SEC. 4. Not to exceed 2 per centum of any appropriation made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided*, That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of $2,000,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract stenographic reporting, and other services as authorized by 5 U.S.C. 3109, $3,954,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge. 80 Stat. 416.

DEPARTMENT OF DEFENSE

CIVIL DEFENSE 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; $60,335,000: *Provided*, That not to exceed $25,000,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended: *Provided further*, That $29,041,000 of the amount appropriated is contingent upon enactment of authorizing legislation. 72 Stat. 533; 82 Stat. 175. 50 USC app. 2286.

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, stocking, 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; $23,200,000, to remain available until expended. 64 Stat. 1248; 75 Stat. 820. 50 USC app. 2281.

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). 64 Stat. 1257; 72 Stat. 534.

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.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

EMERGENCY HEALTH

For expenses necessary for carrying out emergency planning and preparedness functions of the Health Services and Mental Health Administration, and procurement, storage (including underground storage), distribution, and maintenance of emergency civil defense medical supplies and equipment, as authorized by section 201(h) of

64 Stat. 1248; 82 Stat. 175.

58 Stat. 691. 42 USC 241, 243.

the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)), and, except as otherwise provided, sections 301 and 311 of the Public Health Service Act with respect to emergency health services, $3,000,000, to remain available until expended.

Citation of title.

This title may be cited as the "Independent Agencies Appropriation Act, 1973".

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 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.

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.

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 possessions 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.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Motor vehicle purchase.

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 $2,100 except station wagons for which the maximum shall be $2,400: *Provided*, That these limits may be exceeded by not to exceed $900 for police-type vehicles.

31 USC 638a.

Police-type vehicles.

Employee compensation, U.S. citizenship requirement.

SEC. 602. Unless otherwise specified and during the current fiscal year, 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, had filed a declaration of intention to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States, or (4) is an alien from Poland 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.

Penalty.

Exceptions.

Quarters allowances.

SEC. 603. Appropriations of the executive departments and independent establishments for the current fiscal year, 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.

80 Stat. 510.

SEC. 604. No part of any appropriation for the current fiscal year 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.

SEC. 605. No part of any appropriation contained in this or any other Act for the current fiscal year shall be used to pay in excess of $4 per volume for the current and future volumes of the United States Code, Annotated, and such volumes shall be purchased on condition and with the understanding that latest published cumulative annual pocket parts issued prior to the date of purchase shall be furnished

free of charge, or in excess of $4.25 per volume for the current or future volumes of the Lifetime Federal Digest, or in excess of $6.50 per volume for the current or future volumes of the Modern Federal Practice Digest.

SEC. 606. Funds made available by this or any other Act for administrative expenses in the current fiscal year 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.

59 Stat. 597.

80 Stat. 416.

Foreign credits.

31 USC 724.

SEC. 607. 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 (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.

SEC. 608. (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.

SEC. 609. 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.

Interdepartmental groups, expenses.

59 Stat. 134.

SEC. 610. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for (a) reimbursement to the General Services Administration for those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749) or other applicable law, and (b) transfer or reimbursement to applicable appropriations to said Administration for rents and related expenses, not otherwise provided for, of providing subject to Executive Order 11512, dated February 27, 1970, directly or indirectly, suitable general purpose space for any such department or agency, in the District of Columbia or elsewhere.

Buildings and facilities, improvements.

73 Stat. 479. 40 USC 601 note.

40 USC 490 note.

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriation Act, 1973".

Short title.

Approved July 13, 1972.

Public Law 92-352

AN ACT

To provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

July 13, 1972
[H. R. 14734]

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 of 1972".

Foreign Relations Authorization Act of 1972.

TITLE I—DEPARTMENT OF STATE

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1973, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", $289,453,000;
(2) for "International Organizations and Conferences", $188,263,000;
(3) for "International Commissions", $18,226,000;
(4) for "Educational Exchange", $59,200,000; and
(5) for "Migration and Refugee Assistance", $8,212,000.

(b) The Secretary of State is authorized to furnish, on terms and conditions he considers appropriate, assistance to Israel or another suitable country, including assistance for the resettlement in Israel or

Russian refugee assistance.

such country of Jewish or other similar refugees from the Union of Soviet Socialist Republics. There are authorized to be appropriated to the Secretary not to exceed $85,000,000 to carry out the provisions of this subsection.

(c) Appropriations made under subsection (a) of this section are authorized to remain available until expended.

LIMITATION UPON PRIOR AUTHORIZATION REQUIREMENT

SEC. 102. 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 by section 407 of the Foreign Assistance Act of 1971 (22 U.S.C. 2680), is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.".

Ante, p. 35.

DEPUTY SECRETARY OF STATE AND UNDER SECRETARY OF STATE

SEC. 103. (a)(1) The first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is amended to read as follows: "That there shall be in the Department of State, in addition to the Secretary of State, a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, a Deputy Under Secretary of State, and eleven Assistant Secretaries of State."

69 Stat. 536.

(2) Section 2(b) of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is repealed.

Repeal.
73 Stat. 265.

(b) The duties of the Under Secretary of State are transferred to the Deputy Secretary of State. The individual holding, on the date of enactment of this Act, the office of the Under Secretary of State may assume the duties of the Deputy Secretary of State. The individual assuming such duties shall not be required to be reappointed by reason of the enactment of this section.

(c) The provisions of subsection (a) of this section are effective July 1, 1972.

Effective date.

EXECUTIVE SCHEDULE PAY RATES

SEC. 104. Chapter 53 of title 5, United States Code, is amended as follows:

5 USC 5301.

(1) Section 5313(2) is amended to read as follows:

"(2) Deputy Secretary of State."

80 Stat. 460; 83 Stat. 863.

(2) Section 5314(9) is amended by striking out "or" before "Under Secretary of State for Economic Affairs" and inserting in lieu thereof "and".

Ante, p. 34.

(3) Section 5315(10) is amended to read as follows:

"(10) Deputy Under Secretary of State."

RETIREMENT ANNUITIES FOR CERTAIN ALIENS

SEC. 105. (a) Section 8331(1) of title 5, United States Code, is amended—

80 Stat. 564.

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and' at the end of subparagraph (I); and

(3) by inserting, immediately below subparagraph (I), the following new subparagraph:

"(J) an alien (i) who was previously employed by the Government, (ii) who is employed full time by a foreign government for the purpose of protecting or furthering the interests of the United States during an interruption of diplomatic or consular relations, and (iii) for whose services reimbursement is made to the foreign government by the United States;".

(b) Subsection (a) of this section shall become effective on the first day of the second month which begins after its enactment. Effective date.

(c) The amendments made by such subsection (a) shall not apply in the cases of persons retired or otherwise separated prior to the effective date established under subsection (b) of this section, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted. Savings provision.

MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

SEC. 106. (a) Section 3(b)(1) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 241(b)(1)), is amended to read as follows: 79 Stat. 790.

"(b)(1) Subject to any policies the President may prescribe to effectuate the purposes of this subsection and—

"(A) under regulations the head of an agency (other than a military department, the Secretary of the Treasury with respect to the Coast Guard, the Department of Defense, or an agency or office referred to in subparagraph (B) of this paragraph) may prescribe for his agency or, in the case of ACTION, all of that part of ACTION other than the office referred to in such subparagraph, part thereof, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency or part thereof, for damage to, or loss of, personal property incident to his service; and

"(B) under regulations the Secretary of State, the Administrator for the Agency for International Development, the Director of the United States Information Agency, the Director of the United States Arms Control and Disarmament Agency, the Director of ACTION with respect to the office of ACTION engaged primarily in carrying out the Peace Corps Act, and the Board of Directors of the Overseas Private Investment Corporation, may prescribe for their agencies or, in the case of ACTION, for such office, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $10,000 made by a civilian officer or employee of such agency or office for damage to, or loss of personal property incident to his service.

If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before August 31, 1964."

Effective date.

(b) Subsection (a) of this section is effective August 31, 1964. Notwithstanding section 4 of the Military Personnel and Civilian Employees' Claims Act of 1964, or any other provision of law, a claim heretofore settled in the amount of $6,500 solely by reason of the maximum limitation established by section 3(b)(1) of such Act, may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under that section, as amended by subsection (a) of this section.

78 Stat. 768.
31 USC 242.

AMBASSADORS AND MINISTERS

SEC. 107. Section 501 of the Foreign Service Act of 1946 (22 U.S.C. 901) is amended by adding at the end thereof the following new subsection:

60 Stat. 1007.

"(c) On and after the date of enactment of the Foreign Relations Authorization Act of 1972, no person shall be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments, except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not exceeding six months."

USC prec. title 1.

TITLE II—UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There are authorized to be appropriated for the United States Information Agency for fiscal year 1973, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

62 Stat. 6.
22 USC 1431 note.
75 Stat. 527.
22 USC 2451 note.
67 Stat. 642.
22 USC 1461 note.

(1) $194,213,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $5,036,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", which amount may be appropriated without fiscal year limitation; and

(3) $1,000,000 for "Acquisition and construction of radio facilities", which amount may be appropriated without fiscal year limitation.

PROVIDING CERTAIN BASIC AUTHORITIES

SEC. 202. Title VIII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended by adding at the end thereof the following new sections: 62 Stat. 11.

"BASIC AUTHORITY

"SEC. 804. In carrying out the provisions of this Act, the Secretary, or any Government agency authorized to administer such provisions, may—

"(1) employ, without regard to the civil service and classification laws, aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages when suitable qualified United States citizens are not available (such aliens to be investigated for such employment in accordance with procedures established by the Secretary or such agency and the Attorney General), and such persons may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions and procedures as may be established by the Secretary and the Attorney General; Employment of aliens. 66 Stat. 166; 84 Stat. 116.

"(2) pay travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States;

"(3) incur expenses for entertainment within the United States within such amounts as may be provided in appropriations Acts;

"(4) obtain insurance on official motor vehicles operated by the Secretary or such agency in foreign countries, and pay the expenses incident thereto;

"(5) notwithstanding the provisions of section 2680(k) of title 28, United States Code, pay tort claims in the manner authorized in the first paragraph of section 2672 of such title, when such claims arise in foreign countries in connection with operations conducted abroad under this Act; 62 Stat. 984. 80 Stat. 306.

"(6) employ aliens by contract for services abroad;

"(7) provide ice and drinking water abroad;

"(8) pay excise taxes on negotiable instruments abroad;

"(9) pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities conducted under this Act;

"(10) rent or lease, for periods not exceeding five years, offices, buildings, grounds, and living quarters abroad for employees carrying out this Act, and make payments therefor in advance;

"(11) maintain, improve, and repair properties used for information activities in foreign countries;

"(12) furnish fuel and utilities for Government-owned or leased property abroad; and

"(13) pay travel expenses of employees attending official international conferences, without regard to sections 5701–5708 of title 5, United States Code, and regulations issued thereunder, but at rates not in excess of comparable allowances approved for such conferences by the Secretary.

80 Stat. 498; 83 Stat. 190.

"TRAVEL EXPENSES

"SEC. 805. Appropriated funds made available for any fiscal year to the Secretary or any Government agency, to carry out the provisions of this Act, for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, shall be available for all such expenses in connection with travel or transportation which begins in that fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed until the following fiscal year."

LIMITATION UPON PRIOR AUTHORIZATION REQUIREMENT

SEC. 203. Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended by adding at the end thereof the following new sentence: "The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency as authorized by law."

Ante, p. 35.

DISSEMINATION OF INFORMATION WITHIN UNITED STATES

SEC. 204. The second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended to read as follows: "Any such information (other than "Problems of Communism" which may continue to be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress."

62 Stat. 9.

TITLE III—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. The second sentence of section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended by inserting immediately after "$17,500,000,", the following: ", and for the two fiscal years 1973 and 1974, the sum of $22,000,000,".

84 Stat. 207.

REPORT TO CONGRESS

SEC. 302. (a) The United States Arms Control and Disarmament Agency, with the cooperation and assistance of other relevant Government agencies including the Department of State and the Department of Defense, shall prepare and submit to the Congress a comprehensive report on the international transfer of conventional arms based upon existing and new work in this area. The report shall include (but not be limited to) the following subjects:

(1) the quantity and nature of the international transfer of conventional arms, including the identification of the major supplying and recipient countries;

(2) the policies of the major exporters of conventional arms toward transfer, including the terms on which conventional arms are made available for transfer, whether by credit, grant, or cash-and-carry basis;

(3) the effects of conventional arms transfer on international stability and regional balances of power;

(4) the impact of conventional arms transfer on the economies of supplying and recipient countries;

(5) the history of any negotiations on conventional arms transfer, including past policies adopted by the United States and other suppliers of conventional arms;

(6) the major obstacles to negotiations on conventional arms transfer;

(7) the possibilities for limiting conventional arms transfer, including potentialities for international agreements, step-by-step approaches on particular weapons systems, and regional arms limitations; and

(8) recommendations for future United States policy on conventional arms transfer.

(b) The report required by subsection (a) shall be submitted to the Congress not later than one year after the date of the enactment of this Act, and an interim report shall be submitted to the Congress not later than six months after such date.

TITLE IV—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. The first phrase of section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), ending with a colon, is amended to read as follows: "There are authorized to be appropriated to the President for the fiscal year 1973 not to exceed $88,027,000 to carry out the purposes of this Act:". 75 Stat. 612; 85 Stat. 376.

VOLUNTARY SERVICE PROGRAMS

SEC. 402. Paragraph (2) of subsection (b) of section 301 of the Peace Corps Act (22 U.S.C. 2501a), which relates to encouragement of voluntary service programs, is amended by striking out "$300,000" and inserting in lieu thereof "$350,000", by striking out "1971", and by inserting before the word "fiscal" the word "any". 84 Stat. 465.

NATIONAL ADVISORY COUNCIL

SEC. 403. Section 12 of the Peace Corps Act (22 U.S.C. 2511) is repealed, and the Peace Corps National Advisory Council is abolished, effective ninety days after the date of enactment of this Act. Repeal, effective date. 75 Stat. 619.

TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

CERTAIN ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. In addition to amounts authorized by sections 101 (a) and (b) and 201 of this Act, there are authorized to be appropriated for the Department of State and the United States Information Agency for fiscal year 1973 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs.

EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

SEC. 502. Upon the request of a committee of either House of Congress, a joint committee of Congress, or a member of such committee, any officer appointed by the President, by and with the advice and consent of the Senate, to a position in the Department of State, the United States Information Agency, the Agency for International Development, the United States Arms Control and Disarmament Agency, or any other department, agency, or independent establishment of the United States Government primarily concerned with matters relating to foreign countries or multilateral organizations, may express his views and opinions, and make recommendations he considers appropriate, if the request of the committee or member of the committee relates to a subject which is within the jurisdiction of that committee.

INTERNATIONAL NARCOTICS CONTROL

Ante, p. 24.

SEC. 503. Chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by striking out section 481 and inserting in lieu thereof the following new sections:

"SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970. Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, smuggling of, and traffic in, narcotic and psychotropic drugs. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

84 Stat. 1236.
21 USC 801 note.

82 Stat. 1320.
22 USC 2751 note.
80 Stat. 1526.
7 USC 1701.

"SEC. 482. AUTHORIZATION.—To carry out the purposes of section 481, there are authorized to be appropriated to the President $42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended." *Ante*, p. 496.

TITLE VI—STUDY COMMISSION RELATING TO FOREIGN POLICY

FINDINGS AND PURPOSE

SEC. 601. It is the purpose of this title to establish a study commission which will submit findings and recommendations to provide a more effective system for the formulation and implementation of the Nation's foreign policy.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

Establishment.

SEC. 602. (a) To carry out the purpose of section 601 of this Act, there is established a Commission on the Organization of the Government for the Conduct of Foreign Policy (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of the following twelve members:

(1) four members appointed by the President, two from the executive branch of the Government and two from private life;

(2) four members appointed by the President of the Senate, two from the Senate (one from each of the two major political parties) and two from private life; and

(3) four members appointed by the Speaker of the House of Representatives, two from the House of Representatives (one from each of the two major political parties) and two from private life.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

Compensation.

(e) Each member of the Commission who is not otherwise employed by the United States Government shall receive $145 a day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

SEC. 603. (a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

(1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters;

(2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

(3) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of foreign policy;

(4) the abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy; and

(5) other measures to promote peace, economy, efficiency, and improved administration of foreign policy.

Report to President and Congress; termination.

(b) The Commission shall submit a comprehensive report to the President and Congress, not later than June 30, 1974, containing the findings and recommendations of the Commission with respect to its study and investigation. Such recommendations may include proposed constitutional amendments, legislation, and administrative actions the Commission considers appropriate in carrying out its duties. The Commission shall cease to exist on the thirtieth day after the date on which it files the comprehensive report under this subsection.

POWERS OF THE COMMISSION

Hearings.

SEC. 604. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

Subpenas.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent authorized by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

STAFF OF THE COMMISSION

SEC. 605. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

80 Stat. 378.
5 USC 101 *et seq.*

5 USC 5101, 5331.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18. 80 Stat. 416.

EXPENSES OF THE COMMISSION

SEC. 606. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Approved July 13, 1972.

Public Law 92-353

AN ACT

To extend for ninety days the time for commencing actions on behalf of an Indian tribe, band or group.

July 18, 1972
[H. R. 15869]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: Title 28 of the United States Code, section 2415, is amended as follows:

Indian claims.
Statute of limitations.
80 Stat. 304; *Post*, p. 803.

(a) The period at the end of subsection (a) shall be changed to a colon, and the following provision shall be added thereto:

"*Provided further*, That an action for money damages brought by the United States for or on behalf of a recognized tribe, band or group of American Indians shall not be barred unless the complaint is filed more than six years and ninety days after the right of action accrued."

(b) The words, "including trust or restricted Indian lands" appearing after "lands of the United States" shall be deleted from the proviso in subsection (b), the period at the end of the subsection shall be changed to a comma, and the following words shall be added thereto:

"except that such actions for or on behalf of a recognized tribe, band or group of American Indians, including actions relating to allotted trust or restricted Indian lands, may be brought within six years and ninety days after the right of action accrues."

Approved July 18, 1972.

Public Law 92-354

AN ACT

To amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain.

July 26, 1972
[S. 1545]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 378(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the material preceding the proviso and inserting in lieu thereof the following: "Upon application to the county committee, within three years after the date of such displacement, any owner so displaced shall be entitled to have allotments established for other farms owned by him, taking into consideration the land, labor, and equipment available on such other farms for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity:".

Acreage allotments.
Limitations, removal.
72 Stat. 995.
7 USC 1378.

Approved July 26, 1972.

Public Law 92-355

July 26, 1972
[S. 3086]

AN ACT

To authorize the disposal of nickel from the national stockpile.

Nickel.
Disposal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately thirty-eight thousand eight hundred and seventy-six short tons of nickel now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

60 Stat. 596.

Bids.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exceptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 26, 1972.

Public Law 92-356

July 26, 1972
[S. 764]

AN ACT

To authorize the disposal of lead from the national stockpile and the supplemental stockpile.

Lead.
Disposal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four hundred ninety eight thousand short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

60 Stat. 596.

80 Stat. 1529.
7 USC 1704.

Bids.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exceptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 26, 1972.

Public Law 92-357

AN ACT

July 28, 1972
[S. 1139]

To amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under twenty-one years of age to obtain insurance coverage under such Act.

Federal crop insurance.
Coverage.
52 Stat. 72;
55 Stat. 256.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Crop Insurance Act, as amended (7 U.S.C. 1501–1519), is amended by adding at the end thereof a new section as follows:

"PERSONS UNDER TWENTY-ONE YEARS OF AGE

"SEC. 520. Notwithstanding any other provision of law, no person shall be denied insurance under this Act solely on the ground that he is under twenty-one years of age if such person is (1) over eighteen years of age, and (2) has a bona fide insurable interest in a crop as an owner-operator, landlord, tenant or sharecropper: *Provided*, That any such person who enters into a Federal Crop Insurance contract shall be subject to the same legal liability and have the same legal rights with respect to such contract as any person over the age of twenty-one years."

Approved July 28, 1972.

Public Law 92-358

AN ACT

July 28, 1972
[H. R. 5237]

To carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967.

Inventors' certificates.
Patent applications.
66 Stat. 800;
75 Stat. 748.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 119 of title 35 of the United States Code, entitled "Patents", is amended by adding at the end thereof the following paragraph:

"Applications for inventors' certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of

the right of priority under this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents, provided such applicants are entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing."

21 UST 1583.

66 Stat. 797.

SEC. 2. Subsection 102(d) of title 35 of the United States Code is amended to read as follows:

"(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or".

Effective dates.

SEC. 3. (a) Section 1 of this Act shall take effect on the date when Articles 1–12 of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, come into force with respect to the United States and shall apply only to applications thereafter filed in the United States.

(b) Section 2 of this Act shall take effect six months from the date when Articles 1–12 of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, come into force with respect to the United States and shall apply to applications thereafter filed in the United States.

Approved July 28, 1972.

Public Law 92-359

July 28, 1972
[S. 473]

AN ACT

To amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States.

Automobiles.
Labeling requirement, applicability.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 2(h) of the Automobile Information Disclosure Act (72 Stat. 325; 15 U.S.C. 1231) is amended by inserting at the end thereof the following new sentence: "New automobiles delivered to, or for further delivery to, ultimate purchasers within the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, Virgin Islands, American Samoa, the Trust Territories of the Pacific, the Canal Zone, Wake Island, Midway Island, Kingman Reef, Johnson Island, or within any other place under the jurisdiction of the United States shall be deemed to have been 'distributed in commerce'."

Approved July 28, 1972.

Public Law 92-360

AN ACT

August 2, 1972
[S. 3772]

To further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, 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 Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), is further amended—

Civil defense.
Authority extension.
64 Stat. 1245.

(1) by striking the date "June 30, 1972" where such appears in the second proviso of subsection 201(e), the fourth proviso of subsection 201(h), and subsection 205(h) and substituting in lieu thereof the date "June 30, 1976";

82 Stat. 175.
50 USC app. 2281, 2286.

(2) by striking the figure "$25,000,000" in the second proviso of section 408 and substituting in lieu thereof "$35,000,000".

72 Stat. 534.
50 USC app. 2260.

Approved August 2, 1972.

Public Law 92-361

AN ACT

August 3, 1972
[H. R. 15950]

To amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (1) of the second sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "(1) Not more than $50,000,000 is authorized to be expended in any fiscal year ending before July 1, 1972, and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after June 30, 1972, to carry out the provisions of this section and an additional amount not to exceed $100,000,000 is further authorized to be expended in the fiscal year ending June 30, 1973, to carry out the provisions of this section, except that, if in any fiscal year the total of all expenditures under this section is less than the amount authorized to be expended in such fiscal year, the unexpended balance of such amount shall remain available for expenditure during the next two succeeding fiscal years in addition to amounts otherwise available to carry out this section in such years, and".

Highway emergency relief.
Appropriation authorization.
80 Stat. 769.

Approved August 3, 1972.

Public Law 92-362

AN ACT

August 4, 1972
[S. 1152]

To facilitate the preservation of historic monuments, 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 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(3) as section 203(k)(4) and by adding a new section 203(k)(3) as follows:

Historic monuments.
Preservation.
63 Stat. 385; 84 Stat. 1084.

"(k)(3) Without monetary consideration to the United States, the Administrator may convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and

Surplus property, conveyance to States.

interest of the United States in and to any surplus real and related personal property which the Secretary of the Interior has determined is suitable and desirable for use as a historic monument, for the benefit of the public. No property shall be determined to be suitable or desirable for use as a historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the Act entitled 'An Act for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (49 Stat. 666), and only so much of any such property shall be so determined to be suitable or desirable for such use as is necessary for the preservation and proper observation of its historic features.

16 USC 463.

Revenue-producing activities, authorization.
58 Stat. 770; 62 Stat. 350.
50 USC app. 1622.

"(A) The Administrator may authorize use of any property conveyed under this subsection or the Surplus Property Act of 1944, as amended, for revenue-producing activities if the Secretary of the Interior (i) determines that such activities are compatible with use of the property for historic monument purposes, (ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property, and (iii) approves the grantee's plan for financing repair, rehabilitation, restoration, and maintenance of the property. The Secretary shall not approve a financial plan unless it provides that incomes in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the grantee only for public historic preservation, park, or recreational purposes. The Administrator may not authorize any uses under this subsection until the Secretary has examined and approved the accounting and financial procedures used by the grantee. The Secretary may periodically audit the records of the grantee, directly related to the property conveyed.

Audit.

Deed of conveyance.

"(B) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) shall provide that all such property shall be used and maintained for historic monument purposes in perpetuity, and that in the event that the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"States."

"(C) 'States' as used in this subsection, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States."

Repeal.
62 Stat. 350.

SEC. 2. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is repealed.

Approved August 4, 1972.

Public Law 92-363

August 7, 1972
[S. J. Res. 208]

JOINT RESOLUTION

Authorizing the President to proclaim the third Sunday in October of 1972 as "National Shut-In Day".

National Shut-In Day.
Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the third Sunday in October of 1972 as "National Shut-In Day" and calling upon the people of the United States to observe such day by visiting at least one shut-in person on this special day if possible, and by participating in other appropriate ceremonies and activities.

Approved August 7, 1972.

Public Law 92-364

AN ACT

August 7, 1972
[H. R. 736]

To designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness.

Cedar Keys Wilderness, Fla. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Cedar Keys National Wildlife Refuge, Florida, as depicted on a map entitled "Cedar Keys Wilderness—Proposed", and dated August 1967, revised October 1, 1971, is hereby designated as the Cedar Keys Wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Map and description, filing with congressional committees.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map and a legal description of the Cedar Keys Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such 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 legal description and map may be made.

Administration.

SEC. 3. The Cedar Keys Wilderness shall be administered by the Secretary of the Interior 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 1131 note.

Approved August 7, 1972.

Public Law 92-365

AN ACT

August 7, 1972
[S. 2945]

To amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies.

Service academies.
Additional Presidential appointments.
78 Stat. 148; 80 Stat. 896.
80 Stat. 625.
80 Stat. 489.
70A Stat. 429; 80 Stat. 896.
78 Stat. 151; 80 Stat. 896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That title 10 of the United States Code is amended as follows:

(1) Section 4342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

(2) Section 6954(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

(3) Section 9342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

Approved August 7, 1972.

Public Law 92-366

August 7, 1972
[H. R. 8708]

AN ACT

To extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes.

Federal agencies.
Payments to financial organizations, extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3620 of the Revised Statutes, as amended (31 U.S.C. 492), is amended by adding below subsection (c) thereof the following new subsection:

"(d) EXTENSION OF AUTHORIZATION FOR DRAWING CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS TO OTHER CLASSES OF RECURRING PAYMENTS.—Procedures authorized in subsection (b) of this section, for the making of a payment in the form of a check drawn in favor of a financial organization, may be extended to any class of recurring payments, upon the written request of the person to whom payment is to be made and in accordance with regulations to be prescribed by the Secretary of the Treasury under authority of such subsection."

Approved August 7, 1972.

Public Law 92-367

August 8, 1972
[H. R. 15951]

AN ACT

To authorize the Secretary of the Army to undertake a national program of inspection of dams.

National dam inspection program.
"Dam."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "dam" as used in this Act means any artificial barrier, including appurtenant works, which impounds or diverts water, and which (1) is twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or (2) has an impounding capacity at maximum water storage elevation of fifty acre-feet or more. This Act does not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of fifteen acre-feet, regardless of height.

Army, authorization.

SEC. 2. As soon as practicable, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a national program of inspection of dams for the purpose of protecting human life and property. All dams in the United States shall be inspected by the Secretary except (1) dams under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, or the International Boundary and Water Commission, (2) dams which have been constructed pursuant to licenses issued under the authority of the Federal Power Act, (3) dams which have been inspected within the twelve-month period immediately prior to the enactment of this Act by a State agency and which the Governor of such State requests be excluded from inspection, and (4) dams which the Secretary of the Army determines do not pose any threat to human life or property. The Secretary may inspect dams which have been licensed under the Federal Power Act upon request of the Federal Power Commission and dams under the jurisdiction of the International Boundary and Water Commission upon request of such Commission.

Exceptions.

41 Stat. 1063; 49 Stat. 863. 16 USC 791a.

Notice to Governors.

SEC. 3. As soon as practicable after inspection of a dam, the Secretary shall notify the Governor of the State in which such dam is located the results of such investigation. The Secretary shall immediately notify the Governor of any hazardous conditions found during an inspection. The Secretary shall provide advice to the Governor, upon request, relating to timely remedial measures necessary to mitigate or obviate any hazardous conditions found during an inspection.

SEC. 4. For the purpose of determining whether a dam (including the waters impounded by such dam) constitutes a danger to human life or property, the Secretary shall take into consideration the possibility that the dam might be endangered by overtopping, seepage, settlement, erosion, sediment, cracking, earth movement, earthquakes, failure of bulkheads, flashboard, gates on conduits, or other conditions which exist or which might occur in any area in the vicinity of the dam.

Report to Congress.

SEC. 5. The Secretary shall report to the Congress on or before July 1, 1974, on his activities under the Act, which report shall include, but not be limited to—

(1) an inventory of all dams located in the United States;

(2) a review of each inspection made, the recommendations furnished to the Governor of the State in which such dam is located and information as to the implementation of such recommendation;

(3) recommendations for a comprehensive national program for the inspection, and regulation for safety purpose of dams of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

Liability.

SEC. 6. Nothing contained in this Act and no action or failure to act under this Act shall be construed (1) to create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act; or (2) to relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam.

Approved August 8, 1972.

Public Law 92-368

AN ACT

August 10, 1972
[S. 2227]

To amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 19 of title 44, United States Code, is amended by adding at the end thereof the following new section:

Highest State appellate court libraries.
Depository library designation.
82 Stat. 1283.
44 USC 1901.

"§ 1915. Highest State appellate court libraries as depository libraries

"Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a depository library. The provisions of section 1911 of this title shall not apply to any library so designated."

(b) The chapter analysis of such chapter is amended by adding at the end thereof the following new item:

"1915. Highest State appellate court libraries as depository libraries."

Approved August 10, 1972.

Public Law 92-369

August 10, 1972
[H. R. 15418]

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

Department of the Interior and Related Agencies Appropriation Act, 1973.

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, 1973, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

PUBLIC LAND MANAGEMENT

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, $78,065,000.

CONSTRUCTION AND MAINTENANCE

For acquisition, construction and maintenance of buildings, appurtenant facilities, and other improvements, and maintenance of access roads, $7,965,000, to remain available until expended.

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS

(LIQUIDATION OF CONTRACT AUTHORITY)

72 Stat. 906; 76 Stat. 1147.

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, $3,265,000, to remain available until expended.

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.

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. 48 Stat. 1270; 61 Stat. 790. 43 USC 315b, 315i. 49 Stat. 1978; 68 Stat. 151. 43 USC 315m.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for acquisition of one surplus aircraft; 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 and leasing of lands and mineral resources for the State of Alaska.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

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 or lands; and operation of Indian arts and crafts shops, $301,056,000.

RESOURCES MANAGEMENT

For expenses necessary for 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; and development of Indian arts and crafts, as authorized by law, $83,141,000.

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, $55,960,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, California, Colorado, New Mexico, South Dakota, and Utah outside of the boundaries of existing Indian reservations except lands authorized by law to be acquired for the Navajo Indian Irrigation Project: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations except such lands as may be required for replacement of the Wild Horse Dam in the State of Nevada: *Provided further*, 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 $1,470,000 shall be for assistance to the Rough Rock School on the Navajo Indian Reservation, Arizona; that not to exceed $950,000 shall be for assistance to the Ramah School on the Navajo Indian reservation, New Mexico; that not to exceed $70,000 shall be for assistance to the Brockton High School on the Fort Peck Indian Reservation, Montana; that not to exceed $450,000 shall be for assistance to the Rocky Boy School District, Rocky Boy Indian Reservation, Montana; that not to exceed $465,000 shall be for assistance to the Dunseith, North Dakota, Public School District No. 1; and that not to exceed $200,000 for planning school construction shall be available, with the approval of the Secretary, for assistance to public school districts, having substantial Indian enrollment.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, $45,539,000, to remain available until expended.

72 Stat. 906; 76 Stat. 1147.

ALASKA NATIVE FUND

To provide for the 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), $50,000,000: *Provided*, That there shall be advanced from the Alaska Native Fund upon request of the board of directors of any Regional Corporation established pursuant to section 7 of said Act, $500,000 for any one Regional Corporation, which shall be reduced by any amount advanced to such Regional Corporation prior to July 1, 1972, and an additional $1,000,000 to be available for distribution by the Secretary among the Corporations, which the Secretary of the Interior shall determine to be necessary for the organization of such Regional Corporation and the Village Corporations within such region, and to identify land for such Corporations pursuant to said Act, and to repay loans and other obligations incurred prior to May 27, 1972, for such purposes: *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such Regional and Village Corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of moneys from the Alaska Native Fund under section 6 of said Act:

85 Stat. 688. 43 USC 1601 note.

43 USC 1606.

43 USC 1605.

Provided further, That no part of the money so advanced shall be used for the organization of a Village Corporation that had less than twenty-five Native residents living within such village according to the 1970 census.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $6,200,000.

TRIBAL FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated $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: *Provided further*, That nothing contained in this paragraph or in any other provision of law shall be construed to authorize the expenditure of funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds will be used: *Provided further*, That the limitations contained in the foregoing paragraph shall not apply to any judgment proceeds or other funds, revenues or receipts, due the Shoshone Indian Tribe of the Wind River Reservation, Wyoming, and any such funds may be distributed to them under the provisions of the Act of May 19, 1947, as amended (25 U.S.C. 611–613): *Provided, however*, That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada and Oregon, either inside or outside the boundaries of existing Indian reservations, if such acquisition results in the property being exempted from local taxation.

18 USC 4124 and note.

61 Stat. 102; 72 Stat. 541.

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 sixty-eight passenger motor vehicles of which forty-three shall be for replacement only, including sixty-eight for police-type use 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,

49 Stat. 1458.

82 Stat. 4.
25 USC 309.

1956 (70 Stat. 986), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, not otherwise provided for, $4,150,000.

LAND AND WATER CONSERVATION

78 Stat. 897.
16 USC 460*l*-4 note.

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965 as amended (82 Stat. 354), including $5,243,000 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 exceed $300,000,000, of which (1) not to exceed $181,800,000 shall be available for payments to the States to be matched by the individual States with an equal amount; (2) not to exceed $76,871,000 shall be available to the National Park Service; (3) not to exceed $29,655,000 shall be available to the Forest Service; (4) not to exceed $4,602,000 shall be available to the Bureau of Sport Fisheries and Wildlife; and (5) not to exceed $1,829,000 shall be available to the Bureau of Land Management.

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

45 Stat. 1253.

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; loans and grants to Guam, as authorized by law

77 Stat. 302.

(Public Law 88–170, as amended, 82 Stat. 863; 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; $22,375,000, together with $470,000 for expenses of the office of the Government Comptroller for the Virgin Islands to be derived by transfer from "Internal Revenue Collections for Virgin

82 Stat. 840.
48 USC 1599.

Islands", as authorized by law (Public Law 90–496) and $469,000 for expenses of the office of the Government Comptroller for Guam to be derived from duties and taxes which would otherwise be covered into

82 Stat. 845.
48 USC 1422d.

the Treasury of Guam, as authorized by law (Public Law 90–497), 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 aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

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; $60,000,000, 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 aircraft and 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.

61 Stat. 3301.
48 USC 1681 and notes.

GAO audit.

31 USC 1.

31 USC 65 note.

61 Stat. 3302.

MINERAL RESOURCES

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; $150,450,000, of which $20,695,000 shall be available only for cooperation with States or municipalities for water resources investigations, and $79,000 shall remain available until expended, to provide financial assistance to participants in minerals exploration projects, as authorized by law (30 U.S.C. 641–646), including administration of contracts entered into prior to June 30, 1958, under section 303 of the Defense Production Act of 1950, as amended: *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 1457 note, 31.

49 Stat. 30.

72 Stat. 700.

65 Stat. 133.
50 USC app. 2093.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed thirty-three passenger motor vehicles, for replacement only; acquisition of not to exceed eight aircraft,

of which two shall be for replacement only; reimbursement of the General Services Administration for security guard service for protection of confidential files; 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, including the use of the Government-owned site donated for the Earth Resources Observation Systems Data Center for lease construction; acquisition of lands for gaging stations and observation wells; expenses of the U.S. National Committee on Geology; payment of contributions to the International Federation of Surveyors; 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.

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources, including fuels, in the United States, its Territories, and possessions; and developing synthetics and substitutes, $60,091,000, of which $6,000,000 shall remain available until expended.

HEALTH AND SAFETY

For expenses necessary for promotion of health and safety in mines and in the minerals industries, and controlling fires in coal deposits, as authorized by law, $95,374,000, of which $13,000,000 shall remain available until expended. 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.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Mines, $2,000,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Mines 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 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 many 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.

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

For necessary expenses to encourage and stimulate the production and conservation of coal in the United States through research and development, as authorized by law (74 Stat. 337), $43,490,000, to remain available until expended, of which not to exceed $885,000 shall be available for administration and supervision.

30 USC 661.

OFFICE OF OIL AND GAS

SALARIES AND EXPENSES

For necessary expenses to enable the Secretary to discharge his responsibilities with respect to oil and gas, including cooperation with the petroleum industry and State authorities in the production, processing, and utilization of petroleum and its products, and natural gas, $1,558,000.

BUREAU OF SPORT FISHERIES AND WILDLIFE

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, 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; operation of the industrial properties within the Crab Orchard National Wildlife Refuge (61 Stat. 770); and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, $73,489,500.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1961, as amended (16 U.S.C. 715k–3, 5; 81 Stat. 612), $7,100,000, to remain available until expended.

ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION

For expenses necessary to carry out the provisions of the Act of October 30, 1965 (16 U.S.C. 757a–757f), as amended by the Act of May 14, 1970 (84 Stat. 214), $2,333,000, to remain available until expended. 79 Stat. 1125.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, $2,250,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Sport Fisheries and Wildlife shall be available for purchase of not to exceed one hundred and thirty-three passenger motor vehicles, of which one hundred twenty are for replacement only (including seventy for police-type use); purchase of not to exceed seven aircraft, of which six are for replacement only; not to exceed $50,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Sport Fisheries and Wildlife; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed $6.50 per man per day; insurance on official motor vehicles, aircraft, and boats operated by the Bureau of Sport Fisheries and Wildlife in foreign countries; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Bureau of Sport Fisheries and Wildlife; 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 purposes, and the maintenance and improvement of aquaria, buildings and other 34 Stat. 690.

facilities under the jurisdiction of the Bureau of Sport Fisheries and Wildlife 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

MANAGEMENT AND PROTECTION

For expenses necessary for the management and protection of the areas and facilities administered by the National Park Service, including protection of lands in process of condemnation; plans, investigations, and studies of recreational resources (exclusive of preparation of detail plans and working drawings); and not to exceed $150,000 for the Roosevelt Campobello International Park Commission, $89,421,000.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For expenses necessary for the operation, maintenance, and rehabilitation of roads (including furnishing special road maintenance service to trucking permittees on a reimbursable basis), trails, buildings, utilities, and other physical facilities essential to the operation of areas administered pursuant to law by the National Park Service, $73,312,000.

CONSTRUCTION

For construction and improvement, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of buildings, utilities, and other physical facilities; the repair or replacement of roads, trails, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, or storm, or the construction of projects deferred by reason of the use of funds for such purposes; and the acquisition of water rights; $42,701,000, to remain available until expended: *Provided*, That $90,000 representing the National Park Service share for planning a modern sewage system and treatment plant, in cooperation with the towns of Harpers Ferry and Bolivar, West Virginia, to service said towns and Harpers Ferry National Historical Park shall not be available until such time as agreement relating to the procedures and funding for design, construction, and operation of the facility is consummated among the concerned agencies.

37 Stat. 460; 54 Stat. 36.

PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, $5,416,000, to remain available until expended: *Provided*, That none of the funds herein provided shall be expended for planning or construction on the following: Fort Washington and Greenbelt Park, Maryland, and Great Falls Park, Virginia, except minor roads and trails; and Daingerfield Island Marina, Virginia, and extension of the George Washington Memorial Parkway from vicinity of Brickyard Road to Great Falls, Maryland, or in Prince Georges County, Maryland.

72 Stat. 906; 76 Stat. 1147.

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 (80 Stat. 915), and investigations, studies, and salvage of archeological values, $11,559,000, to remain available until expended.

84 Stat. 204. 16 USC 470.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the National Park Service, including such expenses in the regional offices, $4,140,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed two hundred passenger motor vehicles, of which one hundred twenty-five shall be for replacement only, including not to exceed one hundred fifty-six for police-type use; purchase of five aircraft (including one 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.

OFFICE OF SALINE WATER

SALINE WATER CONVERSION

For expenses necessary to carry out the provisions of the Saline Water Conversion Act of 1971 (Public Law 92–60), including not to exceed $2,880,000 for administration and coordination expenses during the current fiscal year, $26,871,000, to remain available until expended.

85 Stat. 159.
42 USC 1959 note.

OFFICE OF WATER RESOURCES RESEARCH

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), $16,344,000, of which not to exceed $970,000 shall be available for administrative expenses.

78 Stat. 329; 80 Stat. 129; 85 Stat. 493.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $7,000,000.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including teletype rentals and service, not to exceed $2,000 for official reception and representation expenses, and purchase of one passenger motor vehicle for replacement only, $15,295,100.

DEPARTMENTAL OPERATIONS

For necessary expenses for certain operations that provide department wide services, $4,066,000.

SALARIES AND EXPENSES (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 Office of the Secretary, as authorized by law, $500,000, 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).

80 Stat. 1528; 84 Stat. 1379.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Emergency reconstruction.

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.

Forest or range fires.

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: *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 in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

Warehouses, garages, etc.

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.

47 Stat. 417.

Experts and consultants.

SEC. 104. Appropriations made to the Department of the Interior in this title or in the Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, 1973, 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.

Post, p. 621.

80 Stat. 416.

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).

80 Stat. 508; 81 Stat. 206.

43 Stat. 175.

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 under Forest Service administration, fighting and preventing forest fires on or threatening such lands 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, $255,604,000, of which $4,275,000 for fighting and preventing forest fires and $1,910,000 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 shall remain available until expended.

31 USC 665.

64 Stat. 85.

Forest research: For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law, $61,143,000.

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, $32,760,000.

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 and the acquisition of lands and interests therein necessary to these objectives, $48,581,900, to remain available until expended: *Provided*, That not more than $1,300,000 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).

36 Stat. 962.

YOUTH CONSERVATION CORPS

For expenses necessary to carry out the provisions of the Act of August 13, 1970 (Public Law 91–378), establishing the Youth Conservation Corps, $3,500,000, to remain available until expended: *Provided*, That $1,750,000 shall be available to the Secretary of the Interior and $1,750,000 shall be available to the Secretary of Agriculture.

84 Stat. 794.
42 USC prec. 2711 note.

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, $158,840,000,

72 Stat. 906; 82 Stat. 820.

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: *Provided further*, That not less than the amount made available under the provisions of the Act of March 4, 1913, shall be expended under the provisions of such Act.

72 Stat. 906; 76 Stat. 1147.
37 Stat. 843.

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 Forest, Utah, Act of August 26, 1935 (49 Stat. 866), as amended, $20,000; Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended, $8,000; Angeles National Forest, California, Act of June 11, 1940 (54 Stat. 299), $32,000; in all, $80,000: *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.

58 Stat. 227.

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.

64 Stat. 85.

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), $1,020,000, to remain available until expended.

70 Stat. 207.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed two hundred seventy-four passenger motor vehicles of which one hundred fifty-two 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 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 research purposes, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a): *Provided*, That this limitation shall not apply to research acquisition at Madison, Wiscon-

58 Stat. 742.
80 Stat. 416.
80 Stat. 508; 81 Stat. 206.
36 Stat. 963.
70 Stat. 1034.

sin; and (g) expenses incident to acquisition by donation of land, waters, or interests in land or waters, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a). 70 Stat. 1034.

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 to the Forest Service shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

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. 36 Stat. 962.

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), $135,000. 36 Stat. 371.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to enable the Secretary of Health, Education, and Welfare to carry out the purposes of the Act of August 5, 1954 (68 Stat. 674), as amended; hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the purposes set forth in sections 301 (with respect to research conducted at facilities financed by this appropriation), 311, 321, 322(d), 324, 328, and 509 of the Public Health Service Act, $172,748,000. 73 Stat. 267. 42 USC 2001. 58 Stat. 691; 81 Stat. 539; 62 Stat. 1018. 42 USC 241, 243, 248, 249, 251, 254a, 227.

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), $44,549,000, to remain available until expended. 73 Stat. 267.

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES AND MENTAL HEALTH 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. 80 Stat. 416. 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). 80 Stat. 508; 81 Stat. 206.

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.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

60 Stat. 1049, *Ante*, p. 114.

For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U.S.C. 70), as amended (81 Stat. 11), creating an Indian Claims Commission, $1,075,000, of which not to exceed $10,000 shall be available for expenses of travel.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

66 Stat. 781.
80 Stat. 416.
80 Stat. 508; 81 Stat. 206.

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), $1,425,000: *Provided*, That none of the funds provided herein shall be used for the Temporary Pennsylvania Avenue Commission.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

79 Stat. 845; 84 Stat. 443. 20 USC 951 note.

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $74,514,000, of which $27,825,000 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; $6,875,000 shall be available until expended to the National Endowment for the Arts for assistance pursuant to section 5(g) of the Act; $34,500,000 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 $5,314,000 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.

82 Stat. 185. 20 USC 954.

79 Stat. 846; 84 Stat. 443, 445. 20 USC 956.

MATCHING GRANTS

82 Stat. 186, 84 Stat. 443. 20 USC 959.

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, $7,000,000, 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.

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, dissemi-

nation, 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; $51,633,000.

80 Stat. 416.

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, $3,500,000, 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.

SCIENCE INFORMATION EXCHANGE

For necessary expenses of the Science Information Exchange, $1,600,000, to remain available until expended.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, $675,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, 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, $5,014,000, to remain available until expended.

20 USC 53a.

CONSTRUCTION

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, $13,000,000, to remain available until expended: *Provided*, That in addition, the Administrator of the General Services Administration is authorized to enter into contracts in an amount not to exceed $27,000,000 for the purposes hereof: *Provided further*, That such sums as are necessary may be transferred to the General Services Administration for execution of the work.

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 administration 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,

53 Stat. 577.
20 USC 71.

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 therefor, 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; purchase of one passenger motor vehicle for replacement only; 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, $5,420,000.

80 Stat. 508; 81 Stat. 206.

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, $800,000, to remain available until expended.

20 USC 80e note.
80 Stat. 416.

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, $1,500,000, to be available for obligations incurred in fiscal year 1972.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), $38,000, to remain available until expended.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Indian Opportunity, including services as authorized by 5 U.S.C. 3109, $290,000.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

SALARIES AND EXPENSES

For necessary expenses of the Federal Metal and Nonmetallic Mine Safety Board of Review, as authorized by law (30 U.S.C. 721) including services as authorized by 5 U.S.C. 3109, $160,000.

80 Stat. 772.

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), $708,800: *Provided*, That this appropriation shall not be available to pay more than one-half of the expenses of the Commission.

85 Stat. 688.
43 USC 1601 note.

TITLE III—GENERAL PROVISIONS

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.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1973". Short title.

Approved August 10, 1972.

Public Law 92-370

AN ACT

August 10, 1972
[H. R. 13435]

To increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for completion of construction of the Curecanti, Flaming Gorge, Glen Canyon, and Navajo units, and transmission division of the Colorado River storage project, and for completion of construction of the following participating projects: Central Utah (initial phase—Bonneville, Jensen, Upalco, and Vernal units), Emery County, Florida, Hammond, LaBarge, Lyman, Paonia, Seedskadee, Silt, and Smith Fork; the amount which section 12 of the Act of April 11, 1956 (79 Stat. 105) authorizes to be appropriated is hereby further increased by the sum of $610,000,000, plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for continuing construction of the previously authorized units and projects named herein.

Upper Colorado River Basin. Appropriation authorization, increase.

70 Stat. 110. 43 USC 620k.

Approved August 10, 1972.

Public Law 92-371

AN ACT

August 10, 1972
[S. 3284]

To increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior.

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 the sum of $114,000,000 to provide for completion of work in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress, plus or minus such amounts, if any, as may be required by reason of changes in construction costs, as indicated by engineering cost indices applicable to the type of construction involved. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Pick-Sloan Missouri Basin program, whether or not included in said comprehensive plan; nor for prosecution of Garrison diversion unit, reauthorized by the Act of August 5, 1965 (79 Stat. 433).

Missouri River Basin. Appropriation authorization, increase.

58 Stat. 891; 84 Stat. 75.

Approved August 10, 1972.

Public Law 92-372

August 10, 1972
[H. R. 14108]

AN ACT

To authorize appropriations for activities of the National Science Foundation, and for other purposes.

National Science Foundation Authorization Act of 1973.

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, 1973, for the following categories:

(1) Scientific Research Project Support, $275,300,000;
(2) National and Special Research Programs, $108,600,000;
(3) National Research Centers, $42,300,000;
(4) Computing Activities in Education and Research, $19,500,000;
(5) Science Information Activities, $9,500,000;
(6) International Cooperative Scientific Activities, $4,700,000;
(7) Research Applied to National Needs, $87,500,000;
(8) Intergovernmental Science Program, $1,700,000;
(9) Institutional Improvement for Science, $18,500,000;
(10) Graduate Student Support, $21,200,000;
(11) Science Education Improvement, $76,000,000;
(12) Planning and Policy Studies, $2,800,000;
(13) Program Development and Management, $29,300,000.

SEC. 2. Notwithstanding any other provision of this Act—

(a) of the amount stipulated for the purpose of "National and Special Research Programs" in category (2) of section 1, not less than $4,500,000 shall be available for the oceanographic ship construction/conversion program;

(b) of the amount stipulated for the purpose of "Research Applied to National Needs" in category (7) of section 1, not less than $19,500,000 shall be available for energy research and technology programs, including but not limited to solar, geothermal, and other nonconventional energy sources, and not less than $8,000,000 shall be available for earthquake engineering programs.

(c) not less than $13,000,000 of the amount stipulated for the purpose of "Institutional Improvement for Science" in category (9) of section 1 shall be available for that purpose, and of such amount not more than $4,000,000 shall be available for institutional grants for research management improvement;

(d) not less than $16,500,000 of the amount stipulated for the purpose of "Graduate Student Support" in category (10) of section 1 shall be available for that purpose, and of such amount not less than $13,000,000 shall be available for graduate fellowships and not less than $3,500,000 for postdoctoral fellowships;

(e) not less than $74,000,000 of the amount stipulated for the purpose of "Science Education Improvement" in category (11) of section 1 shall be available for that purpose, and of such amount not more than $1,500,000 shall be available for experimental projects to encourage initiatives in science education.

SEC. 3. 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.

SEC. 4. In addition to such sums as are authorized by section 1, not to exceed $7,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1973, for expenses of the National Science Foundation incurred outside the United States to be paid in foreign currencies

which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. Appropriations made pursuant to authority provided in sections 1, 3, and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Transfer of funds, limitation.

SEC. 6. 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 Congress.

(A) a period of thirty legislative days (or forty-five calendar days, when Congress is in adjournment sine die) has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and the President of the Senate and to the Committee on Science and Astronautics 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.

Payment to convicted criminals, prohibition.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

64 Stat. 149.
42 USC 1861 note.

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

72 Stat. 1601.
42 USC 1876.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

82 Stat. 360.
42 USC 1862.

SEC. 8. Section 3(a)(1) of the National Science Foundation Act of 1950 is amended—

(1) by inserting "and science education programs at all levels" after "scientific research potential"; and

(2) by striking out "scientific activities" and inserting in lieu thereof "scientific and educational activities".

Short title.

SEC. 9. This Act may be cited as the "National Science Foundation Authorization Act of 1973".

Approved August 10, 1972.

Public Law 92-373

August 10, 1972
[S. 3463]

AN ACT

To amend section 906 of title 44, United States Code, to provide copies of the daily and semimonthly Congressional Record to libraries of certain United States courts.

U.S. Courts.
Congressional Record, copies.
82 Stat. 1256.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that clause of section 906 of title 44, United States Code, relating to the furnishing of bound copies of the Congressional Record to libraries of the United States courts of appeals and certain other courts, is amended by inserting immediately before "one bound copy" the following: "one copy of the daily, one semimonthly copy, and".

Approved August 10, 1972.

Public Law 92-374

August 10, 1972
[S. 2684]

AN ACT

To amend section 509 of the Merchant Marine Act, 1936, as amended.

High speed vessels.
49 Stat. 2000, 66 Stat. 761; 81 Stat. 660.
46 USC 1159.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 509 of the Merchant Marine Act, 1936, is amended by inserting in the fourth sentence thereof after the words, "oceangoing barge of more than two thousand five hundred gross tons" a comma and the words, "or in the case of a vessel of more than two thousand five hundred horsepower designed to be capable of sustained speed of not less than forty knots".

Approved August 10, 1972.

Public Law 92-375

AN ACT

August 10, 1972
[H. R. 12979]

To amend title 28, United States Code, to authorize the recall of retired commissioners of the United States Court of Claims for temporary assignments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the chapter analysis of chapter 51 of title 28, United States Code, is amended by adding thereto the following new catchline:

Court of Claims.
Retired commissioners, recall.

"797. Recall of retired commissioners."

SEC. 2. Chapter 51 of title 28, United States Code, is amended by adding thereto the following new section:

62 Stat. 923;
84 Stat. 298.
28 USC 791.

"§ 797. Recall of retired commissioners

"(a) Any commissioner who has retired from regular active service under the Civil Service Retirement Act shall be known and designated as a senior commissioner and may perform duties as a commissioner when recalled pursuant to subsection (b) of this section.

70 Stat. 743.
5 USC 8331 *et seq.*

"(b) The United States Court of Claims, whenever it deems such action advisable, may recall any senior commissioner, with the latter's acquiescence, to perform such duties as a commissioner and for such period of time as the court may specify.

"(c) Any senior commissioner performing duties pursuant to this section shall not be counted as a commissioner for purposes of the number of commissioner positions authorized by section 792 of this title.

"(d) Any senior commissioner, while performing duties pursuant to this section, shall be paid the same allowances for travel and other expenses as a commissioner in active service. He shall also receive from the Court of Claims supplemental pay in an amount sufficient, when added to his civil service retirement annuity, to equal the salary of a commissioner in active service for the same period or periods of time. Such supplemental pay shall be paid in the same manner as the salary of a commissioner."

Approved August 10, 1972.

Public Law 92-376

AN ACT

August 10, 1972
[H. R. 6745]

To amend section 122 of title 28 of the United States Code to transfer certain counties of the central division of the judicial district of South Dakota.

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 paragraph (2) of section 122 of title 28 of the United States Code is amended by striking out "Gregory,".

Judicial district, S. Dak.
Revision.
62 Stat. 889.

(b) The first sentence of paragraph (3) of such section 122 is amended to read as follows: "The central division comprises the counties of Buffalo, Dewey, Faulk, Gregory, Haakon, Hand, Hughes, Hyde, Jackson, Jerauld, Jones, Lyman, Mellette, Potter, Stanley, Sully, Todd, Tripp, and Ziebach."

(c) The first sentence of paragraph (4) of such section 122 is amended by striking out: (1) "Mellette,"; (2) "Todd,"; and (3) "Tripp,".

Approved August 10, 1972.

Public Law 92-377

August 10, 1972
[H. R. 5721]

AN ACT

Pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon.

Indians.
Confederated Tribes of the Warm Springs Reservation, Oreg.
Inheritance.

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

SECTION 1. (a) A person who is not an enrolled member of the Confederated Tribes of the Warm Springs Reservation of Oregon shall not be entitled to receive by devise or inheritance any interest in trust or restricted lands within the Warm Springs Reservation or within the area ceded by the treaty of June 25, 1855 (12 Stat. Treaties, 37), if, while the decedent's estate is pending before the Examiner of Inheritance, the Confederated Tribes of the Warm Springs Reservation of Oregon pay to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which payment is made shall be held by the Secretary in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon.

(b) On request of the Confederated Tribes of the Warm Springs Reservation of Oregon the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

(c) When a person who is prohibited by subsection (a) from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Confederated Tribes of the Warm Springs Reservation of Oregon shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under subsection (a).

SEC. 2. The provisions of section 1 of this Act shall apply to all estates pending before the Examiner of Inheritance on the date of this Act, and to all future estates, but shall not apply to any estate heretofore closed.

Approved August 10, 1972.

Public Law 92-378

August 10, 1972
[H. R. 1682]

AN ACT

To provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, California, included in said district, and for other purposes.

Westlands Water District, Calif.
Construction charges, deferment.

43 USC 391.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That construction charges payable by the Westlands Water District to the United States pursuant to contract number 14–06–200–2020A, dated April 1, 1965, or as it may be amended, between the United States and the district entered into under the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), attributable, as determined by the Secretary of the Interior, to lands of the United States Naval Air Station, Lemoore, California, as are included in the Westlands Water District shall be deferred except as hereinafter provided, and no assessments shall be made on behalf of such charges against such lands until the Federal title thereto shall have been extinguished, and such lands become subject to assessment, whereupon such deferred charges shall be repaid by the Westlands Water District in not more than forty years from such date.

Reassessment.

Leased lands.

SEC. 2. Lands of the Naval Air Station, Lemoore, California, irrigable through facilities constructed for the Westlands Water District, when offered for lease for agricultural or grazing purposes, shall be offered competitively on such terms as the Secretary of the Navy, or his designee, determines will provide the highest return to the United States consistent with sound land management practices. Such leases shall provide for payment by the lessees to the Department of the Navy of an amount sufficient to provide repayment to the United States of construction charges attributable to such lands which would be applicable if such lands were not owned by the Federal Government. The proceeds from the leases shall be paid by the Department of the Navy to the Department of the Interior and shall be covered into the reclamation fund and credited to the construction charges attributable to such lands until such construction charges are fully paid. The leases shall also be offered, insofar as practicable, in tracts of 160 irrigable acres each. Direct charges for water shall be paid by lessees to the Westlands Water District and shall be not less than the cost of such water service plus the District's operating and maintenance costs of delivering water. The leases may contain such provisions as to cancellation, use of land, term, and other matters as the Secretary of the Navy may determine are necessary to assure that national defense purposes are served.

Payments credited to outstanding construction charges.

SEC. 3. No individual lessee shall hold more than one lease, pursuant to this Act, at any given time.

Limitation.

Approved August 10, 1972.

Public Law 92-379

AN ACT

August 10, 1972
[H. R. 489]

To approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the Act of June 22, 1936 (49 Stat. 1803; 25 U.S.C. 389–389e), the order of the Secretary of the Interior dated December 31, 1968, canceling $76,302.29 of irrigation assessments and costs and any interest and penalties accrued thereon, chargeable against non-Indian-owned lands in the Modoc Point unit of the Klamath Indian irrigation project is hereby approved.

Klamath Indian irrigation project, Oreg.

Approved August 10, 1972.

Public Law 92-380

AN ACT

August 10, 1972
[H. R. 11350]

To increase the limit on dues for United States membership in the International Criminal Police Organization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 10, 1938, as amended (22 U.S.C. 263a), is further amended by deleting "$28,500" and inserting in lieu thereof "$80,000".

International Criminal Police Organization.
81 Stat. 517.

SEC. 2. The Secretary of the Treasury is authorized to pay to the International Criminal Police Organization the unpaid balance of the dues for the calendar years 1970 and 1971. There is authorized to be appropriated not to exceed $55,000 to carry out the provisions of this section.

Approved August 10, 1972.

Public Law 92-381

August 14, 1972
[H. R. 15635]

AN ACT

To assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes.

Juvenile Delinquency Prevention and Control Act of 1968, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled, "An Act to assist the courts, correctional systems, community agencies, and primary and secondary public school systems to prevent, treat, and control juvenile delinquency; to support research and training efforts in the prevention, treatment, and control of juvenile delinquency; and for other purposes", approved July 31, 1968, is amended to read as follows: "That this Act may be cited as the 'Juvenile Delinquency Prevention Act'.

82 Stat. 462; 85 Stat. 84.
42 USC 3801 note.
Short title.

"FINDINGS AND PURPOSE

"SEC. 2. The Congress finds that delinquency among youths constitutes a national problem which can best be met by providing assistance to and encouraging the coordination of efforts by public and nonprofit private agencies engaged in preventing juvenile deliquency. It is, therefore, the purpose of this Act to help States and local communities in providing community based preventive services, including diagnosis and treatment, to youths who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in occupations involving the provision of such services, and to provide technical assistance in such field.

"TITLE I—PREVENTIVE SERVICES

"STATEMENT OF PURPOSE

"SEC. 101. The purpose of this title is to assist States, local educational agencies, and other public and nonprofit private agencies to establish and carry out community-based programs, including programs in schools, for the prevention of delinquency in youths.

"GRANTS

"SEC. 102. (a) The Secretary is authorized to make grants to, or contracts with, public or nonprofit private agencies to meet all or part of the cost of establishing or operating, including the cost of planning, programs designed to carry out the purposes of this title.

"(b) (1) Grants and contracts under this title may be made only upon application to the Secretary by a public or nonprofit private agency, which contains or is accompanied by satisfactory assurances that—

"(A) steps have been or will be taken toward the provision, within a reasonable period of time, of a program of coordinated youth services in the area served which will make a substantial contribution toward the prevention of delinquency of youths, including the diagnosis and treatment of youths in danger of becoming delinquent;

"(B) such applicant agency will make special efforts to assure that the services provided by the program will be available for youths with the most serious behavioral problems;

"(C) (i) such applicant agency (if it is not a local educational agency) has consulted on its application with the local educational agencies and nonprofit private schools in the area to be served

and has adopted procedures to coordinate its program with related efforts being made by these agencies and schools;

"(ii) such applicant agency will provide, to the extent feasible, for coordinating, on a continuing basis, its operations with the operations of other agencies and nonprofit private organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, correction, and other basic services in the community for youths;

"(D) such applicant agency will make reasonable efforts to secure or provide any services which are necessary for diagnosing and treating youths in danger of becoming delinquent and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

"(E) maximum use will be made under the program of other Federal, State, or local resources available for the provision of such services;

"(F) local educational agencies and other public and private agencies and organizations providing youth services in the geographic area to be served by the applicant will be consulted in the formulation by the applicant of the program, taking into account the services and expertise of such agencies and organizations, and with a view to adapting such services to the better fulfillment of the purposes of this title;

"(G) in developing coordinated youth services, youth and public or private agencies, and organizations providing youth services within the geographic area to be served by the applicant will be given the opportunity to present their views to the applicant with respect to such development; and

"(H) the applicant agency will be responsible for organizing, maintaining, and facilitating accessibility to all available youth services.

"(2) Such application shall contain such information as may be necessary to carry out the purposes of this title, including—

"(A) a description of the services for youths who are in danger of becoming delinquent and which are available in the State or community;

"(B) a statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services, including local educational agencies and nonprofit private schools;

"(C) the functions and services to be included;

"(D) the procedures which will be established for protecting the rights, under Federal, State, and local law, of the recipients of youth services, and for insuring appropriate privacy with respect to records relating to such services, provided to any individual under coordinated youth services developed by the applicant;

"(E) the procedures which will be established for evaluation; and

"(F) the strategy for phasing out support under this Act and the continuance of a proven program through other means.

"USE OF FUNDS

"SEC. 103. (a) Funds paid to any agency (whether directly or through a State agency) under this title may be used for—

"(1) meeting the cost of securing or providing services designed to carry out the purposes of this title, but only to the extent and for the period reasonably necessary for the community to provide such services; and

"(2) meeting not to exceed 50 per centum of the cost of construction of community-based special purpose or innovative types of facilities which, in the judgment of the Secretary, are necessary for carrying out the purposes of this title, including community-based special purpose or innovative (A) halfway houses for youths who because of special behavioral problems have a high risk of becoming delinquent; and (B) small, residential facilities for the diagnosis and treatment of youths who are in danger of becoming delinquent. In developing plans for such facilities, due consideration shall be given to excellence of architecture and design.

"(b) No grant or contract may be made under this title with respect to any coordinated youth service system for a period of time exceeding three years, except that the Secretary may, in any case in which he determines that it would not be feasible for the coordinated youth service system to continue to function unassisted under this title, extend assistance for such additional years as he determines to be necessary.

"CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

"SEC. 104. (a) In determining whether or not to approve applications for grants or contracts under this title, the Secretary shall consider, in the State or community of the applicant—

"(1) the relative costs and effectiveness of the program in effectuating the purposes of such title;

"(2) the incidence of and rate of increase in youth offenses and juvenile delinquency;

"(3) school dropout rates;

"(4) the adequacy of existing facilities and services for carrying out the purposes of such title;

"(5) the extent of comprehensive planning in the community for carrying out the purposes of such title;

"(6) youth unemployment rates;

"(7) the extent to which proposed programs incorporate new or innovative techniques within the State or community to carry out the purposes of such title;

"(8) the extent to which the proposed programs will make effective use of the facilities and services of the appropriate local educational agencies;

"(9) the extent to which the proposed programs incorporate participation of the parents of youths who are in danger of becoming delinquent, as well as the participation of other adults who offer guidance or supervision to such youths; and

"(10) the extent to which the proposed programs will be coordinated with similar programs assisted under other Federal laws related to the purposes of this title.

"(b) The Secretary, in making grants or contracts under this title, shall give priority to applicants serving communities which exhibit to the highest degrees the factors listed in paragraphs (2), (3), and (6) of subsection (a).

"TITLE II—TRAINING

"AUTHORIZATION

"SEC. 201. The Secretary is authorized, with the concurrence of the Secretary of Labor, to make grants to, or contracts with, public or nonprofit private agencies for projects for the training of personnel employed in or preparing for employment in fields related to the diagnosis and treatment of youths who are in danger of becoming delinquent, and for the counseling or instruction of parents in the

improving of parental instruction and supervision of youths who are in danger of becoming delinquent. Such projects shall include special programs which provide youths and adults with training for career opportunities, including new types of careers, in such fields. Such projects may include, among other things, development of courses of study and of interrelated curricula in schools, colleges, and universities, establishment of short-term institutes for training at such schools, colleges, and universities, inservice training and traineeships with such stipends, including allowances for travel and subsistence expenses, as the Secretary may determine to be necessary.

"RECIPIENTS AND CONDITIONS OF GRANTS AND CONTRACTS

"SEC. 202. Such grants may be made to and such contracts may be made with any Federal, State, or local public agency or any nonprofit private agency; and to the extent he deems it appropriate, the Secretary shall require the recipient of any such grant or contract to contribute money, facilities, or services for carrying out the projects for which the grant or contract is made.

"TITLE III—TECHNICAL ASSISTANCE AND INFORMATION SERVICES

"TECHNICAL ASSISTANCE

"SEC. 301. The Secretary is authorized to cooperate with and, either directly or through grants to or contracts with any public agency or nonprofit private agency, render technical assistance to State, local, or other public or private agencies or organizations in matters relating to prevention of delinquency, and to provide short-term training and instruction of a technical nature with respect to such matters. Particular emphasis should be placed on providing technical assistance in the development of juvenile delinquency components or plans under title I.

"STATE ASSISTANCE TO LOCAL UNITS

"SEC. 302. The Secretary is authorized to make grants to any State agency which is able and willing to provide technical assistance to local public agencies and nonprofit private agencies engaged in or preparing to engage in activities for which aid may be provided under this Act. No such grant may exceed 90 per centum of the cost of the activities of the State agency with respect to which such grant is made.

"INFORMATION SERVICES

"SEC. 303. The Secretary shall collect, evaluate, publish, and disseminate information and materials relating to research and programs and projects conducted under this Act, and any other matters relating to prevention or treatment of delinquency, such information and materials to be for the general public and for agencies, organizations, and personnel engaged in programs concerning youths who are delinquent or in danger of becoming delinquent.

"TITLE IV—ADMINISTRATION

"PAYMENT PROCEDURE

"SEC. 401. Payments of any grant or any contract under this Act may be made (after necessary adjustment on account of previously made overpayments or underpayments) in installments, and in advance or by way of reimbursement, as may be determined by the Secre-

tary, and shall be made on such conditions as he finds necessary to carry out the purposes for which the grant or contract is made.

"APPROPRIATIONS

"SEC. 402. There are authorized to be appropriated for grants and contracts under this Act, to the Department of Health, Education, and Welfare, $75,000,000 a year for the fiscal year 1973 and for the succeeding fiscal year. At least 80 per centum of the amount appropriated for each such fiscal year shall be used for funding programs under title I, of which no more than 10 per centum may be used to meet costs of construction.

"SEC. 403. (a) Payments pursuant to grants or contracts made under title I of this Act for any fiscal year with respect to activities in any one State may not exceed 12 per centum of the total of the funds available for such grants or contracts under such title for such fiscal year.

"(b) Of the funds available for grants or contracts under title I for any fiscal year—

"(1) $25,000 each shall be reserved for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

"(2) $100,000 shall be reserved for each other State;

except that, if the Secretary determines, on the basis of the information available to him on the last day of the ninth month of any fiscal year, that any portion of such $25,000 or $100,000 for any State will not be required for such grants or contracts under title I of this Act for such year, such portion shall be available for grants or contracts under such title for such year with respect to activities in any other State (in the case of which such a determination has not been made).

"LABOR STANDARDS

"SEC. 404. It shall be a condition of any grant under this Act which is wholly or partially for construction that all laborers and mechanics employed by contractors or subcontractors on such construction shall 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—276a–5). The Secretary of Labor shall have with respect to these labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 P.R. 36; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011.

5 USC app.

63 Stat. 108; 72 Stat. 967.

"EVALUATION

"SEC. 405. (a) The Secretary shall provide for the continuing evaluation of the programs, projects, and other activities under this Act, including their effectiveness in achieving stated goals and their relationship to and impact on related Federal, State, and local activities. This evaluation shall include comparisons with proper control groups composed of persons who have not participated in programs under this Act. The results of such evaluations shall be included in the report required by section 409.

Post, p. 537.

"(b) In addition to funds otherwise available for evaluation, such portion of any appropriation under section 402 as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available for evaluation by the Secretary (directly or by grants or contracts) of the activities for which such appropriation is made.

"JUDICIAL REVIEW

"SEC. 406. In the case of action taken by the Secretary terminating or refusing to continue financial assistance pursuant to a grant or contract under this Act to a grantee, such grantee may obtain judicial review of such action in accordance with chapter 7 of title 5 of the United States Code.

80 Stat. 392.
5 USC 701.

"JOINT FUNDING

"Sec. 407. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"COORDINATION

"SEC. 408. (a) In the administration of this Act, the Secretary shall limit assistance under this Act to programs and activities which are carried on outside of the juvenile justice system (which encompasses agencies such as the police, the courts, correctional institutions, detention homes, and probation and parole authorities).

"(b)(1) There shall be estabished an Interdepartmental Council on Juvenile Delinquency (hereinafter referred to as the 'Council') whose function shall be to coordinate all Federal juvenile delinquency programs.

Interdepartmental Council on Juvenile Delinquency, establishment.

"(2) The Council shall be composed of the Attorney General, the Secretary, or their respective designees, and representatives of such other agencies as the President shall designate.

"(3) The Chairman of the Council shall be appointed by the President.

"(4) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report as required by section 409 of this title.

"ANNUAL REPORT

"SEC. 409. Not later than one hundred and twenty days after the close of each fiscal year, the Interdepartmental Council, with the appropriate assistance and concurrence of other Federal agencies who are consulted and whose activities are coordinated under section 408 shall prepare and submit to the President for transmittal to the Congress a full and complete report on all Federal activities in the field of juvenile delinquency, youth development, and related fields. Such report shall include, but not be limited to—

"(1) planning, program, and project activities conducted under this Act;

"(2) the nature and results of technical assistance conducted under title III of this Act;

"(3) the number and types of training projects, number of persons trained and in training, and job placement and other followup information on trainees and former trainees assisted under title II of this Act; and

"(4) steps taken and mechanisms and methods used to coordinate and avoid duplication of Federal activities in the fields of

juvenile delinquency, youth development, and related fields and the effectiveness of such steps, mechanisms, and methods.

"GENERAL PROVISIONS

"SEC. 410. (a) Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

"(b) The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

"DEFINITIONS

"SEC. 411. For purposes of this Act—

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(2) The term 'public agency' means a duly elected political body or a subdivision thereof and shall not be construed to include the Office of Economic Opportunity. Such term includes an Indian tribe.

"(3) The term 'nonprofit private agency' means any accredited institution of higher education, and any other agency, organization, or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or which is owned and operated by one or more such agencies, but only if such agency, organization, or institution was in existence at least two years before the date of an application under this Act. Such term shall not be construed to include the Office of Economic Opportunity. Participation by the Office of Economic Opportunity is expressly prohibited in administering this Act.

"(5) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(6) The term 'construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for new buildings). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them.

"(7) The term 'youth services' means services which assist in the prevention of juvenile delinquency, including, but not limited to: individual and group counseling, family counseling, diagnostic services, remedial education, tutoring, alternate schools (institutions which provide education to youths outside the regular or traditional school system), vocational testing and training, job development and placement, emergency shelters, halfway houses, health services, drug abuse programs, social, cultural, and recreational activities, the development of paraprofessional or volunteer programs, community awareness programs, foster care and shelter care homes, and community-based treatment facilities or services.

"(8) The term 'coordinated youth services' means a comprehensive service delivery system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is in danger of becoming delinquent and to his family in a manner designed to—

"(a) facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency or organization, which desires to provide such services through such system;

"(b) identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

"(c) make the most effective use of youth services in meeting the needs of young people who are in danger of becoming delinquent, and their families;

"(d) use available resources efficiently and with a minimum of duplication in order to achieve the purposes of this Act; and

"(e) identify the types and profiles of individual youths who are to be served by such a comprehensive system.

"(9) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools."

SEC. 2. The title of such Act is amended to read as follows: "An Act to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes."

SEC. 3. The amendments made by sections 1 and 2 of this Act shall be effective July 1, 1972. Effective date.

Approved August 14, 1972.

Public Law 92-382

AN ACT

August 14, 1972
[S. 916]

To include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations.

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 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment". Federal firefighters. Early retirement. 80 Stat. 571.

Approved August 14, 1972.

Public Law 92-383

August 14, 1972
[H. R. 15093]

AN ACT

Making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes.

Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act, 1973.

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; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30 1973, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PRODUCTION AND MORTGAGE CREDIT

FEDERAL HOUSING ADMINISTRATION

RENT SUPPLEMENT 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 $48,000,000: *Provided*, That no part of the foregoing contract authority shall be used for incurring any obligation in connection with any dwelling unit or project which is not either part of a workable program for community improvement meeting the requirements of section 101(c) of the Housing Act of 1949, as amended (42 U.S.C. 1451(c)), or which is without local official approval for participation in this program.

79 Stat. 451; 84 Stat. 1771.

68 Stat. 623.

HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

The limitation on total payments that may be required in any fiscal year by all contracts entered into under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), is increased by $170,000,000, and the limitation on total payments under those entered into under section 236 of such Act (12 U.S.C. 1715z–1) is increased by $175,000,000.

82 Stat. 477; 84 Stat. 1770.

82 Stat. 498; 84 Stat. 1775.

NONPROFIT SPONSOR ASSISTANCE

For assistance to nonprofit sponsors of low and moderate income housing, including payment to the low and moderate income sponsor fund, as authorized by sections 106 (a) and (b) of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701x), $1,000,000.

82 Stat. 490; 84 Stat. 1808.

COLLEGE HOUSING

The limitation otherwise applicable to the total payments that may be required in any fiscal year by all contracts entered into under title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.), is increased by $5,000,000.

64 Stat. 77; 84 Stat. 1777.

SALARIES AND EXPENSES, HOUSING PRODUCTION AND MORTGAGE CREDIT PROGRAMS

For necessary administrative expenses of housing production and mortgage credit, including functions authorized by title XIV of the Housing and Urban Development Act of 1968 (15 U.S.C. 1701 et seq.), not otherwise provided for, $15,748,000. 82 Stat. 590; 83 Stat. 398.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

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, $19,496,000. 81 Stat. 341. 78 Stat. 800; 80 Stat. 164. 12 USC 1717.

HOUSING MANAGEMENT

HOUSING PAYMENTS

For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U.S.C. 1410); 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 homeownership and interest reduction payments as authorized by sections 235 and 236, of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z–1), $1,800,000,000. 50 Stat. 891; 84 Stat. 1776. 64 Stat. 77. 79 Stat. 451. 82 Stat. 477, 498; 84 Stat. 1770.

SALARIES AND EXPENSES, HOUSING MANAGEMENT PROGRAMS

For necessary administrative expenses of programs of housing management, not otherwise provided for, $21,000,000: *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.

COMMUNITY PLANNING AND MANAGEMENT

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), $100,000,000, to remain available until expended. 82 Stat. 526; 84 Stat. 1780, 1804; 85 Stat. 776.

COMMUNITY DEVELOPMENT TRAINING AND URBAN FELLOWSHIP PROGRAMS

For matching grants to States for training and related activities, for expenses of providing technical assistance to State and local governmental or public bodies (including studies and publication of information), and for fellowships for city planning and urban studies, as authorized by title VIII of the Housing Act of 1964, as amended (20 U.S.C. 801–805; 811), $3,500,000. 83 Stat. 392; 84 Stat. 1809.

NEW COMMUNITY ASSISTANCE GRANTS

82 Stat. 516; 84 Stat. 1780. 84 Stat. 1799.

For supplementary grants as authorized by section 412 of the Housing and Urban Development Act of 1968, as amended (42 U.S.C. 3911), and section 718 of the Housing and Urban Development Act of 1970 (42 U.S.C. 4519), and for special planning assistance grants as authorized by section 720 of the Housing and Urban Development Act of 1970 (42 U.S.C. 4521), $7,500,000, to remain available until expended.

SALARIES AND EXPENSES, COMMUNITY PLANNING AND MANAGEMENT PROGRAMS

For necessary administrative expenses of programs of community planning and management, not otherwise provided for, $10,134,000.

COMMUNITY DEVELOPMENT

MODEL CITIES PROGRAMS

80 Stat. 1255.

For financial assistance in connection with planning and carrying out comprehensive city demonstration programs, as authorized by title I of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3301), $500,000,000, to be immediately available and to remain available until June 30, 1974.

URBAN RENEWAL PROGRAMS

63 Stat. 414; 82 Stat. 518. 68 Stat. 629; 84 Stat. 1785.

For grants for urban renewal, fiscal year 1973, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), $1,200,000,000, to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor.

REHABILITATION LOAN FUND

78 Stat. 790; 82 Stat. 523.

For the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), $70,000,000, to remain available until expended.

GRANTS FOR NEIGHBORHOOD FACILITIES

79 Stat. 491.

For grants authorized by section 703 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103), $40,000,000, to be immediately available and to remain available until expended.

OPEN SPACE LAND PROGRAMS

84 Stat. 1781.

For grants as authorized by title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e), and the provision of technical assistance to State and local public bodies, $100,000,000, to be immediately available and to remain available until expended: *Provided*, That no part of this appropriation may be used for financing a grant in excess of 50 per centum of the cost of any activity or project, except that grants made pursuant to section 706 of the Housing Act of 1961, as amended (42 U.S.C. 1500c), may be made in an amount not to exceed 75 per centum.

42 USC 1500c-2.

SALARIES AND EXPENSES, COMMUNITY DEVELOPMENT PROGRAMS

For necessary administrative expenses of programs of community development, not otherwise provided for, $25,159,000.

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), $10,000,000. 82 Stat. 572. 42 USC 4001 note.

RESEARCH AND TECHNOLOGY

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 (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 June 30, 1974: *Provided*, That not to exceed $4,000,000 of the foregoing amount shall be available for administrative expenses. 84 Stat. 1784. 82 Stat. 1369. 49 USC 1608 note.

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), section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701a), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and Executive Orders 11063 (27 Fed. Reg. 11527), 11246, as amended (30 Fed. Reg. 12319, 32 Fed. Reg. 14303), 11625 (36 Fed. Reg. 19967), and 11478 (34 Fed. Reg. 12985), $9,489,000. 82 Stat. 81. 83 Stat. 395. 12 USC 1701u. 78 Stat. 252. 42 USC 1982 note, 2000e notes. 15 USC 631 note.

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, $5,529,000.

SALARIES AND EXPENSES, OFFICE OF GENERAL COUNSEL

For necessary expenses of the Office of General Counsel, not otherwise provided for, $3,044,000.

ADMINISTRATION AND STAFF SERVICES

For administrative expenses necessary in providing general administration and staff services within the Department, not otherwise provided for, $16,475,000.

REGIONAL MANAGEMENT AND SERVICES

For necessary administrative expenses, not otherwise provided for, of management and program coordination in the regional offices of the Department, $22,991,000.

TITLE II

SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL AERONAUTICS AND SPACE COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Aeronautics and Space Council, established by section 201 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471), and services as authorized by 5 U.S.C. 3109, $480,000.

72 Stat. 427, 75 Stat. 46; 84 Stat. 855. 80 Stat. 416.

OFFICE OF SCIENCE AND TECHNOLOGY

SALARIES AND EXPENSES

For expenses necessary for the Office of Science and Technology, including services as authorized by 5 U.S.C. 3109, $2,100,000.

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 $725,000 for land and structures; not to exceed $29,000 for improvement and care of grounds and repairs to buildings; not to exceed $1,500 for official reception and representation expenses; special counsel fees; and services as authorized by 5 U.S.C. 3109; $34,173,000: *Provided*, That not to exceed $500,000 of the foregoing amount shall remain available until June 30, 1974, for research and policy studies.

80 Stat. 508; 81 Stat. 206.

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; 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, $2,600,900,000, of which $24,000,000 shall be available only for aeronautical research in the fields of noise abatement and aviation safety, to remain available until expended.

CONSTRUCTION OF FACILITIES

For advance planning, design, rehabilitation, modification and construction of facilities for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $77,300,000, including (1) $1,065,000 for rehabilitation and modification of aeronautical, airborne science and support facilities, Ames Research Center; (2) $760,000 for rehabilitation of unitary plan wind tunnel model supports, control systems and model preparation areas, Ames Research Center; (3) $590,000 for

rehabilitation and modification of utility systems, Goddard Space Flight Center; (4) $610,000 for rehabilitation and modification of roadway system, Jet Propulsion Laboratory; (5) $8,100,000 for modifications of, and additions to, spacecraft assembly facilities, Kennedy Space Center; (6) $2,040,000 for modification of Titan Centaur facilities, Kennedy Space Center; (7) $2,465,000 for rehabilitation of full scale wind tunnel, Langley Research Center; (8) $1,175,000 for modification of central air supply system, Langley Research Center; (9) $650,000 for environmental modifications for utility operations, Langley Research Center; (10) $9,710,000 for modification of high temperature and high pressure turbine and combustor research facility, Lewis Research Center; (11) $585,000 for modification of fire protection system, Manned Spacecraft Center; (12) $350,000 for warehouse replacement, Wallops Station; (13) $6,800,000 for modification of altitude test facilities, Arnold Engineering Development Center; (14) $1,160,000 for rehabilitation of propellant and high pressure gaseous systems, Mississippi Test Facility; (15) $1,635,000 for modification of entry structures facility, Langley Research Center; (16) $2,545,000 for addition for systems integration and mockup laboratory, Manned Spacecraft Center; (17) $2,770,000 for modification of vibration and acoustic test facility, Manned Spacecraft Center; (18) $4,700,000 for modification of structures and mechanics laboratory, Marshall Space Flight Center; (19) $320,000 for addition for electrical power laboratory, Marshall Space Flight Center; (20) $2,430,000 for modification of acoustic model engine test facility, Marshall Space Flight Center; (21) $5,540.000 for modification of manufacturing and final assembly facilities at undesignated locations; (22) $11,580,000 for minor rehabilitation and modification of facilities at various locations; (23) $1,720,000 for minor construction of new facilities and additions to existing facilities at various locations; (24) $8,000,000 for facility planning and design not otherwise provided for; to remain available for obligation until June 30, 1975.

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), hire, maintenance and operation of administrative aircraft; purchase (not to exceed twenty-seven for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $10,000 per project for construction of new facilities and additions to existing facilities, and not in excess of $25,000 per project for rehabilitation and modification of facilities; $729,450,000: *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.

80 Stat. 508; 81 Stat. 206.

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.

64 Stat. 149.

72 Stat. 1601.
73 Stat. 431.
80 Stat. 416.

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; 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 $28,900,000 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; $619,000,000, to remain available until expended: *Provided*, That of the foregoing amount not less than $23,300,000 shall be available for tuition, grants, and allowances in connection with a program of summer institutes and other programs of supplementary training for secondary school science and mathematics teachers; not less than $18,000,000 shall be used only for Institutional Improvement for Science, including $4,000,000 for institutional grants for research management improvement; not less than $71,000,000 shall be used only for Science Education Improvement; and not less than $20,000,000 shall be used only for Graduate Student Support: *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: *Provided further*, That the $9,500,000 heretofore appropriated in fiscal year 1971 and allocated for first-year graduate traineeships, and $21,000,000 of the amount heretofore appropriated in fiscal year 1972 and allocated for Science Education Support ($16,000,000) and Institutional Improvement for Science ($5,000,000), shall be available for the general purposes of this appropriation.

80 Stat. 508; 81 Stat. 206.

Funds to campus disrupters, prohibition.

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, $7,000,000, to remain available until June 30, 1974: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $4,900,000.

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, $29,761,000.

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 expenses of the National Selective Service Appeal Board; and not to exceed $1,000 for official reception and representation expenses; $83,500,000: *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.

80 Stat. 432.

31 USC 665.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, burial flags, subsistence allowances for vocational rehabilitation, emergency and other officers' retirement pay, adjusted-service credits and certificates, 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, $6,448,000,000, to remain available until expended.

80 Stat. 307.

72 Stat. 1124, 76 Stat. 950; 83 Stat. 33.

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 (except section 1504), and 33–39), $2,224,400,000, to remain available until expended.

72 Stat. 1167, 80 Stat. 12; 84 Stat. 1998. 38 USC 801, 1501, 1601.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, to remain available until expended, $10,400,000, of which $6,000,000 shall be derived from the Veterans Special Life Insurance Fund.

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; maintenance and operation of burial grounds; 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); $2,606,153,000, plus reimbursements: *Provided*, That the foregoing appropriation shall not be used to provide for less than an average of 98,500 operating beds, nor to furnish inpatient care and treatment to an average daily patient load of less than 85,500 beneficiaries, nor to provide an

80 Stat. 508; 81 Stat. 206. 83 Stat. 836.

average staff/patient ratio of less than 1.49 to 1 in all Veterans Administration hospitals during the fiscal year 1973: *Provided further*, 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.

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, $76,818,000, plus reimbursements.

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, $28,737,000.

80 Stat. 1375; 85 Stat. 178.

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; purchase of one passenger motor vehicle (medium sedan for replacement only) and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; $320,821,000.

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, $125,993,000, to remain available until expended: *Provided*, 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.

72 Stat. 1251; 80 Stat. 1372.

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 acquistion, 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, $55,000,000, to remain available until expended: *Provided*, That funds appropriated under this head shall be available for contributions to local authorities toward, or for the construction of, necessary safety traffic controls adjacent to Veterans Administration hospitals.

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), $6,000,000, to remain available until June 30, 1975. 83 Stat. 836; 78 Stat. 501.

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), $2,000,000. 72 Stat. 1145; 80 Stat. 859.

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 Direct loan revolving fund assets or Loan guaranty revolving fund assets, 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 (12 U.S.C. 1717(c)), $5,000,000. 81 Stat. 352. 78 Stat. 800; 80 Stat. 164.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses, but not to exceed $375,000,000, for property acquisitions 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. 72 Stat. 1203; 82 Stat. 116; 84 Stat. 1576. 38 USC 1801. 74 Stat. 532.

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", "Veterans insurance and indemnities", "Construction, major projects", and "Construction, minor projects", 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. 80 Stat. 416.

The appropriation available to the Veterans Administration for the current fiscal year for "Medical care" shall be available for funeral, burial, and other expenses incidental thereto (except burial awards authorized by 38 U.S.C. 902), for beneficiaries of the Veterans Administration receiving care under such appropriations. 72 Stat. 1169; 80 Stat. 29.

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.

Transfer of funds.

Amounts received by the Loan guaranty revolving fund as servicing charges for portfolio loans which have been sold, may be transferred to the current appropriation for "General operating expenses" appropriation.

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 each such corporation or agency except as hereinafter provided:

61 Stat. 584.
31 USC 849.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOUSING ADMINISTRATION

For administrative expenses in carrying out duties imposed by or pursuant to law, not to exceed $16,598,000 of the various funds of the Federal Housing Administration shall be available, in accordance with the National Housing Act, as amended (12 U.S.C. 1701): *Provided*, That funds shall be available for contract actuarial services (not to exceed $1,500): *Provided further*, That nonadministrative expenses classified by section 2 of Public Law 387, approved October 25, 1949, shall not exceed $170,586,000.

48 Stat. 1246.

63 Stat. 905.
12 USC 1702.

LIMITATION ON ADMINISTRATIVE EXPENSES, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Not to exceed $6,000,000 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 of 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.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of $8,900,000 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, 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 not to exceed $25 per diem in lieu of subsistence: *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 provisions 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 nonadministrative expenses (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 $17,923,000: *Provided further*, That none of the funds made available for administrative or nonadministrative expenses of the Federal Home Loan Bank Board in this Act shall be used to finance the relocation of all or any part of the Federal Home Loan Bank from Greensboro, North Carolina, nor for the supervision, direction or operation of any district bank for the fourth district other than at such location, unless such

80 Stat. 416.

80 Stat. 508; 81 Stat. 206.

82 Stat. 856; 47 Stat. 727; 69 Stat. 640. 12 USC 1425a, 1426. 12 USC 1464. 12 USC 1729-1730a.

47 Stat. 725.

relocation is approved by a plebiscite of the member associations of the fourth district: *And provided further*, That no part of the funds made available for administrative or nonadministrative expenses by this Act shall be used in connection with acquisition of land, constructing or leasing new quarters for the Federal Home Loan Bank Board.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed $550,000 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).

48 Stat. 1259; 82 Stat. 295. 80 Stat. 1036. 82 Stat. 5. 12 USC 1729-1730a.

48 Stat. 1255; 78 Stat. 805.

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 has been placed thereon, the expenditures for such travel expenses may not exceed 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.

Uniforms, etc.

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 thereof, 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.

80 Stat. 508; 81 Stat. 206. 80 Stat. 416.

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 or Government National Mortgage Association, 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).

64 Stat. 873; 84 Stat. 1114.

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. Research projects.

SEC. 405. 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. 406. The Secretary of Housing and Urban Development is authorized to establish a fund and to transfer to such fund from appropriations or funds available to the Department of Housing and Urban Development, such amounts as may be necessary to provide disaster assistance for which the Secretary has been requested by the Director of the Office of Emergency Preparedness to make resources available pursuant to the authority of the Disaster Relief Act of 1970 (84 Stat. 1744). Transfer of funds. 42 USC 4401 note.

This Act may be cited as the "Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act, 1973". Short title.

Approved August 14, 1972.

Public Law 92-384

AN ACT

August 14, 1972
[S. 2499]

To provide for the striking of medals commemorating the one hundred and seventy-fifth anniversary of the launching of the United States frigate Constellation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundred and seventy-fifth anniversary of the launching of the United States frigate Constellation, the Secretary of the Treasury shall strike and deliver to the Constellation Committee of the Star Spangled Banner Flag House Association, Incorporated, not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary after consultation with the committee. The medals, which may be disposed of by the committee at a premium, shall be delivered at such times as may be required by the committee in quantities of not less than two thousand, but no medals shall be struck after December 31, 1973. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368). U. S. frigate *Constellation*. Commemorative medals.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs. Cost.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the committee.

Approved August 14, 1972.

Public Law 92-385

August 16, 1972
[H. R. 15692]

AN ACT

To authorize for a limited period additional loan assistance under the Small Business Act for disaster victims, to provide for a study and report to the Congress by the President setting forth recommendations for a comprehensive revision of disaster relief legislation, and for other purposes.

Disaster relief.
Additional assistance; study and report.
72 Stat. 389; 79 Stat. 206.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 7 of the Small Business Act (15 U.S.C. 636(b)) is amended by striking out the matter following the numbered paragraphs and inserting in lieu thereof the following:

"No loan under this subsection, including renewals and extensions thereof, may be made for a period or periods exceeding thirty years: *Provided*, That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period not to exceed five years, if (A) the borrower under such loan is a homeowner or a small business concern, (B) the loan was made to enable (i) such homeowner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as the result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection, and (C) the Administrator determines such action is necessary to avoid severe financial hardship: *Provided further*, That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of twenty years. Notwithstanding the provisions of any other law, and except as otherwise provided in this subsection, the interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum, except that in the case of a loan made pursuant to paragraph (3), (5), (6), or (7), the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

Maximum interest rate.

Federal share.

"In the administration of the disaster loan program under paragraphs (1), (2), and (4) of this subsection, in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator which occurs on or after January 1, 1971, and prior to July 1, 1973, the Small Business Administration, to the extent such loss or damage or injury is not compensated for by insurance or otherwise—

"(A) may make any loan for repair, rehabilitation, or replacement of property damaged or destroyed without regard to whether the required financial assistance is otherwise available from private sources;

"(B) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that (1) in the case of a business concern, the amount refinanced shall not exceed the amount of the physical

loss sustained, and (2) in the case of a home, the amount of each monthly payment of principal and interest on the loan after refinancing under this clause shall be not less than the amount of each such payment made prior to such refinancing;

"(C) may, in the case of a loan made under clause (A) or a mortgage or other lien refinanced under clause (B) in connection with the destruction of, or substantial damage to, property owned and used as a residence by an individual who by reason of retirement, disability, or other similar circumstances relies for support on survivor, disability, or retirement benefits under a pension, insurance, or other program, consent to the suspension of the payments of the principal of that loan, mortgage, or lien during the lifetime of that individual and his spouse for so long as the Administration determines that making such payments would constitute a substantial hardship;

"(D) shall, notwithstanding the provisions of any other law and upon presentation by the applicant of proof of loss or damage or injury and a bona fide estimate of cost of repair, rehabilitation, or replacement, cancel the principal of any loan made to cover a loss or damage or injury resulting from such disaster, except that—

"(i) with respect to a loan made in connection with a disaster occurring on or after January 1, 1971 but prior to January 1, 1972, the total amount so canceled shall not exceed $2,500, and the interest on the balance of the loan shall be at a rate of 3 per centum per annum; and

"(ii) with respect to a loan made in connection with a disaster occurring on or after January 1, 1972 but prior to July 1, 1973, the total amount so canceled shall not exceed $5,000, and the interest on the balance of the loan shall be at a rate of 1 per centum per annum.

With respect to any loan referred to in clause (D) which is outstanding on the date of enactment of this paragraph, the Administrator shall—

"(i) make such change in the interest rate on the balance of such loan as is required under that clause effective as of such date of enactment; and

"(ii) in applying the limitation set forth in that clause with respect to the total amount of such loan which may be canceled, consider as part of the amount so canceled any part of such loan which was previously canceled pursuant to section 231 of the Disaster Relief Act of 1970.

Post, p. 559.

Penalty.

"Whoever wrongfully misapplies the proceeds of a loan obtained under this subsection shall be civilly liable to the Administrator in an amount equal to one-and-one-half times the original principal amount of the loan."

Effective date.

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

Eligibility.

(c) Any person who (1) suffers any loss or damage as a result of a major disaster as determined by the President which occurred prior to the date of enactment of this Act, (2) is eligible for assistance under the amendment made by subsection (a), and (3) is otherwise eligible for benefits greater than those provided by the amendment made by subsection (a), may elect to receive such greater benefits.

SEC. 2. (a) Section 7(b) of the Small Business Act is amended— 72 Stat. 389; 84 Stat. 1618. 15 USC 636.

(1) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(2) by inserting after paragraph (6) a new paragraph as follows:

"(7) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist, or to refinance the existing indebtedness of, any small business concern directly and seriously affected by the significant reduction of the scope or amount of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of strategic arms or strategic arms facilities, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.".

80 Stat. 132; 84 Stat. 1618. 15 USC 633.

(b) Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) by inserting "7(b)(7)," immediately after "7(b)(6)," in paragraph (1) thereof; and

(2) by inserting "7(b)(5), 7(b)(6), 7(b)(7)," immediately after "7(b)(4)," in paragraph (2)(A) thereof.

Disaster relief legislation, Presidential review. Report to Congress.

SEC. 3. The President shall conduct a thorough review of existing disaster relief legislation, and not later than January 1, 1973, he shall transmit to the Congress a report containing specific legislative proposals for the comprehensive revision of such legislation in order to—

(1) standardize the amount of benefits available to persons affected by disasters so as to achieve fairness and consistency with regard to the amount of benefits provided to such persons and to preclude the need for separate legislation to aid persons affected by future disasters;

(2) improve the execution of the Government's disaster relief program by eliminating unnecessary administrative procedures and reducing the number of agencies involved in disaster relief or increasing individual agency authority and responsibility; and

(3) prevent the misuse of benefits made available under the program.

Nonprofit private educational institutions.

SEC. 4. (a) The Congress hereby finds and declares that there has been substantial damage to educational institutions as a result of hurricane and tropical storm Agnes; that disaster relief for public educational institutions is adequately covered by legislation heretofore enacted; that nonprofit private educational institutions are not provided disaster relief benefits comparable to those provided to public educational institutions; that nonprofit private educational institutions have a secular educational mission; that students attending nonprofit private educational institutions that have been damaged or destroyed will have to be provided for in public institutions if the former institutions are not restored; and that these facts compel enactment of special measures designed to provide nonprofit private educational institutions which were victims of this catastrophe with disaster relief benefits comparable to those provided for public educational institutions.

Damages from tropical storm Agnes, grants.

(b) To the extent such loss or damage or destruction is not compensated for by insurance or otherwise, the President may make grants to nonprofit private educational institutions in major disaster areas as designated by the President for the repair, restoration, reconstruction, or replacement of educational facilities, supplies, or equipment which have been lost, damaged, or destroyed as a result of hurricane and tropical storm Agnes, if such facilities, supplies, or equipment were owned on the date of such loss, damage, or destruction by an organization exempt from taxation under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954 and the facilities, supplies, or equipment were being used to carry out the purposes for which such organization was accorded that exemption; except that no grant may be

68A Stat. 163; 84 Stat. 1855. 26 USC 501.

made under this section for the repair, restoration, reconstruction, or replacement of any facility for which disaster relief assistance would not be authorized under Public Law 81–815, title VII of the Higher Education Act of 1965, or the Disaster Relief Act of 1970 if such facility were a public facility.

72 Stat. 548.
20 USC 631.
Ante, p. 288.
84 Stat. 1744.
42 USC 4401 note.

(c) The amount of a grant made under this section shall not—

(1) exceed 100 per centum of the cost of—

(A) repairing, restoring, reconstructing, or replacing any facility on the basis of the design of such facility as it existed immediately prior to the disaster referred to in subsection (b) and in conformity with applicable codes, specifications, and standards; and

(B) repairing, restoring, or replacing equipment or supplies;

as they existed immediately prior to such disaster;

(2) in the case of any facility which was under construction when damaged or destroyed as a result of such disaster, exceed 50 per centum of the cost of restoring such facility substantially to its condition prior to such disaster, and of completing construction not performed prior to such disaster to the extent that the cost of completing construction is increased over the original construction cost due to changed conditions resulting from such disaster;

(3) be used to pay any part of the cost of facilities, supplies, or equipment which are to be used primarily for sectarian purposes; or

(4) be used to restore or rebuild any facility used or to be used primarily for religious worship; replace, restore, or repair any equipment or supplies used or to be used primarily for religious instruction, or restore or rebuild any facility or furnish any equipment or supplies which are used or to be used primarily in connection with any part of the program of a school or department of divinity.

Definitions.

(d) For the purposes of this section—

(1) the term "educational institution" means any elementary school (as defined by section 801(c) of the Elementary and Secondary Education Act of 1965), any secondary school (as defined by section 801(h) of the Elementary and Secondary Education Act of 1965), and any institution of higher education (as defined by section 1201(a) of the Higher Education Act of 1965); and

79 Stat. 55; 81 Stat. 816. 20 USC 881.
79 Stat. 1269; 82 Stat. 1042, 1050. 20 USC 1141.
Ante, p. 260.

(2) the term "school or department of divinity" means a school or department of divinity as defined by section 1201(l) of the Higher Education Act of 1965.

SEC. 5. Subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), is amended by adding at the end thereof the following new section:

75 Stat. 311; 85 Stat. 491.

"SEC. 328. (a) Notwithstanding any other provision of law, in the administration of this subtitle and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a natural disaster as determined by the Secretary of Agriculture which occurred after June 30, 1971, and prior to July 1, 1973, the Secretary—

63 Stat. 433; 79 Stat. 497.

"(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel the principal of the loan, except that the total amount so canceled shall not exceed the greater of (i) 50 per centum of the original principal amount of such loan but not more than $5,000, or (ii) the per centum that would be canceled of a loan of the same size by the Small Business Administration under section 7(b) of the

Ante, p. 555.

Small Business Act, as amended (15 U.S.C. 636(b)), and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan, except that any such deferred payments shall bear interest at a rate per annum to be determined by the Secretary of the Treasury under section 234 of the Disaster Relief Act of 1970 (42 U.S.C. 4453), or that established by the Small Business Administration under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), whichever is lower: *Provided*, That no one borrower shall be eligible to receive more than one such cancellation for any single disaster.

84 Stat. 1754.

"(2) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required loan is otherwise available from private sources: *Provided*, That in the case of any loan for refinancing, either under clause (3) of this subsection or under section 322 of this subtitle, require the borrowers to demonstrate that they 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.

75 Stat. 311.
7 USC 1962.

"(3) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other lien outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this subsection.

"(4) shall require the recipient of any emergency loan made under this section to execute the agreement to refinance required by section 333(c) of this title: *Provided*, That any such loan shall be reviewed at not less than two-year intervals to determine if the agreement to refinance shall become applicable.

7 USC 1983.

"(b) Notwithstanding any other provision of law, the provisions of subsection (a) of this section shall also apply to the administration of the programs referred to in such subsection in the case of any property loss or damage or injury, including loss or damage to agricultural crops, resulting from flood or excessive prolonged rain, drought, or other natural disaster occurring after June 30, 1971, and prior to July 1, 1973, in any area determined by the President to be a major disaster area or in any area determined by the Secretary of Agriculture to have suffered a natural disaster during such period.

"(c) Any loan made under this section shall not exceed the current cost of repairing or replacing the disaster loss or damage or injury in conformity with current codes and specifications. Any loan made under this section shall bear interest at a rate per annum to be determined by the Secretary of the Treasury under section 234 of the Disaster Relief Act of 1970 (42 U.S.C. 4453), or that established by the Small Business Administration under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), whichever is lower.

"(d) In the administration of any Federal disaster loan program under the authority of this section, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

"(e) The benefits provided under this section shall be applicable to all loans qualifying hereunder, whether approved before or after the date of enactment of this section.

"(f) The President shall conduct a thorough review of existing disaster relief legislation as it relates to emergency loans and housing loans administered by the Farmers Home Administration of the United States Department of Agriculture, and not later than January 31, 1973, he shall transmit to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report containing specific legislative proposals for the comprehensive revision of such legislation in order to—

"(1) adjust the benefits and the coverage available to persons affected by disasters;

"(2) improve the execution of the program by simplifying and eliminating unnecessary administrative procedures; and

"(3) prevent the misuse of benefits made available under the program."

Disaster relief legislation, Presidential review.
Report to congressional committees.

SEC. 6. Section 231 of the Disaster Relief Act of 1970 is amended by—

(1) inserting "(a)" after "SEC. 231."; and

(2) adding at the end of such section the following new subsection:

"(b) Loans to which this section applies may also be made for the purpose of providing small business concerns with working capital, the payment of operating expenses, and any purpose for which loans may be made under section 7(a) of the Small Business Act (15 U.S.C. 636(a))."

84 Stat. 1752.
42 USC 4451.

72 Stat. 387;
81 Stat. 268.

Approved August 16, 1972.

Public Law 92-386

JOINT RESOLUTION

August 16, 1972
[S. J. Res. 254]

To authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be printed and bound for the use of the Senate one thousand five hundred copies of a revised edition of Senate Procedure (originally prepared by Charles L. Watkins and Floyd M. Riddick), to be prepared by Floyd M. Riddick, Parliamentarian of the United States Senate, to be printed under the supervision of the author and to be distributed to the Members of the Senate.

"Senate Procedure."
Revised edition, printing.

SEC. 2. That notwithstanding any provision of the copyright laws and regulations with respect to publications in the public domain, such revised edition of Senate Procedure shall be subject to copyright by the author thereof.

Approved August 16, 1972.

Public Law 92-387

AN ACT

August 16, 1972
[H. R. 9936]

To amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that Act, and for other purposes.

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

Drug Listing Act of 1972.

SECTION 1. This Act may be cited as the "Drug Listing Act of 1972".

SEC. 2. The Federal Government which is responsible for regulating

drugs has no ready means of determining what drugs are actually being manufactured or packed by establishments registered under the Federal Food, Drug, and Cosmetic Act except by periodic inspection of such registered establishments. Knowledge of which particular drugs are being manufactured or packed by each registered establishment would substantially assist in the enforcement of Federal laws requiring that such drugs be pure, safe, effective, and properly labeled. Information on the discontinuance of a particular drug could serve to alleviate the burden of reviewing and implementing enforcement actions against drugs which, although commercially discontinued, remain active for regulatory purposes. Information on the type and number of different drugs being manufactured or packed by drug establishments could permit more effective and timely regulation by the agencies of the Federal Government responsible for regulating drugs, including identification of which drugs in interstate commerce are subject to section 505 or 507, or to other provisions of the Federal Food, Drug, and Cosmetic Act.

52 Stat. 1040.
21 USC 301.

76 Stat. 781.
59 Stat. 463.
21 USC 355, 357.

SEC. 3. Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end of the following new subsection:

Registration, drug list requirements.
76 Stat. 794.

"(j)(1) Every person who registers with the Secretary under subsection (b), (c), or (d) shall, at the time of registration under any such subsection, file with the Secretary a list of all drugs (by established name (as defined in section 502(e)) and by any proprietary name) which are being manufactured, prepared, propagated, compounded, or processed by him for commercial distribution and which he has not included in any list of drugs filed by him with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

52 Stat. 1050; 76 Stat. 790.
21 USC 352.

"(A) in the case of a drug contained in such list and subject to section 505, 506, 507, or 512, a reference to the authority for the marketing of such drug and a copy of all labeling for such drug;

55 Stat. 851.
82 Stat. 343.
21 USC 356, 360b.
65 Stat. 648.
21 USC 353.

"(B) in the case of any other drug contained in such list—

"(i) which is subject to section 503(b)(1), a copy of all labeling for such drug, a representative sampling of advertisements for such drug, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular drug product, or

"(ii) which is not subject to section 503(b)(1), the label and package insert for such drug and a representative sampling of any other labeling for such drug;

"(C) in the case of any drug contained in such list which is described in subpararaph (B), a quantitative listing of its active ingredient or ingredients, except that with respect to a particular drug product the Secretary may require the submission of a quantitative listing of all ingredients if he finds that such submission is necessary to carry out the purposes of this Act; and

"(D) if the registrant filing the list has determined that a particular drug product contained in such list is not subject to section 505, 506, 507, or 512, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular drug product.

"(2) Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following information: Reports.

"(A) A list of each drug introduced by the registrant for commercial distribution which has not been included in any list previously filed by him with the Secretary under this subparagraph or paragraph (1) of this subsection. A list under this subparagraph shall list a drug by its established name (as defined in section 502(e)) and by any proprietary name it may have and shall be accompanied by the other information required by paragraph (1). 52 Stat. 1050; 76 Stat. 790. 21 USC 352.

"(B) If since the date the registrant last made a report under this paragraph (or if he has not made a report under this paragraph, since the effective date of this subsection) he has discontinued the manufacture, preparation, propagation, compounding, or processing for commercial distribution of a drug included in a list filed by him under subparagraph (A) or paragraph (1); notice of such discontinuance, the date of such discontinuance, and the identity (by established name (as defined in section 502 (e)) and by any proprietary name) of such drug.

"(C) If since the date the registrant reported pursuant to subparagraph (B) a notice of discontinuance he has resumed the manufacture, preparation, propagation, compounding, or processing for commercial distribution of the drug with respect to which such notice of discontinuance was reported; notice of such resumption, the date of such resumption, the identity of such drug (by established name (as defined in section 502(e)) and by any proprietary name), and the other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary pursuant to this subparagraph.

"(D) Any material change in any information previously submitted pursuant to this paragraph or paragraph (1).

"(3) The Secretary may also require each registrant under this section to submit a list of each drug product which (A) the registrant is manufacturing, preparing, propagating, compounding, or processing for commercial distribution, and (B) contains a particular ingredient. The Secretary may not require the submission of such a list unless he has made a finding that the submission of such a list is necessary to carry out the purposes of this Act." Drug product list.

SEC. 4. (a) Section 510(e) of such Act is amended by adding at the end thereof the following: "The Secretary may also assign a listing number to each drug or class of drugs listed under subsection (j). Any number assigned pursuant to the preceding sentence shall be the same as that assigned pursuant to the National Drug Code.". 76 Stat. 794. 21 USC 360. *Ante*, p. 560.

(b) Section 510(f) of such Act is amended by inserting before the period the following: "; except that any list submitted pursuant to paragraph (3) of subsection (j) and the information accompanying any list or notice filed under paragraph (1) or (2) of that subsection shall be exempt from such inspection unless the Secretary finds that such an exemption would be inconsistent with protection of the public health".

76 Stat. 794.
21 USC 360.

(c) The second sentence of section 510(i) of such Act is amended by inserting "shall require such establishment to provide the information required by subsection (j) and" immediately before "shall include".

Ante, p. 560.

76 Stat. 781.

(d) Clause (1) of the second sentence of section 505(e) of such Act (21 U.S.C. 355(e)) is amended by inserting "or to comply with the notice requirements of section 510(j)(2)" immediately after "subsection (j)".

76 Stat. 795.

(e) Section 301(p) of such Act (21 U.S.C. 331(p)) is amended to read as follows:

"(p) The failure to register in accordance with section 510, the failure to provide any information required by section 510(j), or the failure to provide a notice required by section 510(j)(2)."

Effective date.

SEC. 5. The amendments made by this Act shall take effect on the first day of the sixth month beginning after the date of enactment of this Act.

Approved August 16, 1972.

Public Law 92-388

August 17, 1972
[H. R. 1462]

AN ACT

To provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes.

Puukohola Heiau National Historic Site, Hawaii. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to restore and preserve in public ownership the historically significant temple associated with Kamehameha the Great, who founded the historic Kingdom of Hawaii, and the property of John Young who fought for Kamehameha the Great during the period of his ascendancy to power, the Secretary of the Interior is authorized to acquire, by donation or purchase with donated funds, such lands and interests in lands, together with structures and improvements thereon, not to exceed one hundred acres, in the vicinity of Kawaihae, Hawaii, as generally depicted on a map entitled "Boundary Map, Proposed Puukohola Heiau National Historic Site," numbered NHS–PK 20,002, dated February 1970, which shall be on file and available for public inspection in the offices of the National Park Service, Washington, District of Columbia. The Secretary of the Interior may from time to time revise the boundaries of the proposed historic site, but the total acreage of the site shall not exceed one hundred acres.

Limitation.

SEC. 2. The Secretary of the Interior shall establish the area as the "Puukohola Heiau National Historic Site" at such time as he deems sufficient interests in lands have been acquired to constitute an administrable unit. Pending and after establishment, the Puukohola Heiau National Historic Site shall be administered, developed, preserved, and maintained in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

Land acquisition.

SEC. 3. Notwithstanding the acreage limitation contained in section 1 of this Act, the Secretary of the Interior is authorized to acquire by donation, purchase, or exchange, such additional lands and interests therein outside the boundary of the site as he deems necessary to relocate portions of State and county roads which are currently within

the boundary of the site, and he may construct roadways on the lands so acquired and convey the same, subject to such terms and conditions as he deems necessary, to the State of Hawaii or its appropriate political subdivision. Any relocation of State and county roads shall be undertaken in accordance with an agreement between the Secretary and the State or county concerned, which shall provide, among other things, for the continued maintenance of the relocated portions of road by such State or county.

Appropriation.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act not to exceed, however, $1,040,600 (May 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

Approved August 17, 1972.

Public Law 92-389

AN ACT

August 17, 1972
[H. R. 9545]

To amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature.

Virgin Islands legislature.
68 Stat. 499.
48 USC 1572.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 6 of the Revised Organic Act of the Virgin Islands is amended by deleting "twenty-five" and inserting in lieu thereof "twenty-one".

Approved August 17, 1972.

Public Law 92-390

JOINT RESOLUTION

August 18, 1972
[H. J. Res. 1278]

Making further continuing appropriations for the fiscal year 1973, and for other purposes.

Continuing appropriations, 1973.
Ante, p. 404.

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 July 1, 1972 (Public Law 92-334), is hereby amended by striking out "August 18, 1972" and inserting in lieu thereof "September 30, 1972 or the sine die adjournment of the second session of the Ninety-second Congress".

Approved August 18, 1972.

Public Law 92-391

JOINT RESOLUTION

August 19, 1972
[S. J. Res. 260]

To suspend until March 1, 1973, the effectiveness of certain amendments made by the Education Amendments of 1972 to the Guaranteed Student Loan Program.

Student loan program.
Effectiveness of amendments, delay.
Ante, p. 261.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the effectiveness of the amendments made by sections 132A, 132B, 132C, 132D, 132E, and 132F of the Education Amendments of 1972 is hereby suspended for the period beginning with the date of enactment of this joint resolution and ending March 1, 1973, and the provisions of part B of title

20 USC 1071.

IV of the Higher Education Act of 1965, as in effect immediately prior to the enactment of such amendments, shall be effective during such period, except that (1) nothing in this joint resolution shall be deemed to affect the validity of any action taken or obligation undertaken under such part prior to the enactment of this joint resolution, and (2) section 438(b) of the Higher Education Act of 1965 shall continue to be in effect during such period. Section 431(b) of the General Education Provisions Act and section 495 of the Higher Education Act of 1965 shall not be applicable in the case of administrative action taken to effectuate this joint resolution.

Ante, p. 264.

84 Stat. 169; *Ante*, p. 326. 20 USC 1232. *Ante*, p. 280.

Approved August 19, 1972.

Public Law 92-392

August 19, 1972
[H. R. 9092]

AN ACT

To provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

Federal wage board employees. 80 Stat. 471; 81 Stat. 641. 5 USC 5341.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"§ 5341. Policy

"It is the policy of Congress that rates of pay of prevailing rate employees be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and be based on principles that—

"(1) there will be equal pay for substantially equal work for all prevailing rate employees who are working under similar conditions of employment in all agencies within the same local wage area;

"(2) there will be relative differences in pay within a local wage area when there are substantial or recognizable differences in duties, responsibilities, and qualification requirements among positions;

"(3) the level of rates of pay will be maintained in line with prevailing levels for comparable work within a local wage area; and

"(4) the level of rates of pay will be maintained so as to attract and retain qualified prevailing rate employees.

"§ 5342. Definitions; application

"(a) For the purpose of this subchapter—

"(1) 'agency' means an Executive agency; but does not include—

"(A) a Government controlled corporation;

"(B) the Tennessee Valley Authority;

"(C) the Alaska Railroad;

"(D) the Virgin Islands Corporation;

"(E) the Atomic Energy Commission;
"(F) the Central Intelligence Agency;
"(G) the Panama Canal Company;
"(H) the National Security Agency, Department of Defense; or
"(I) the Bureau of Engraving and Printing, except for the purposes of section 5349 of this title; Post, p. 572.

"(2) 'prevailing rate employee' means—
"(A) an individual employed in or under an agency in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or laboring experience and knowledge as the paramount requirement;
"(B) an employee of a nonappropriated fund instrumentality described by section 2105(c) of this title who is employed in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or laboring experience and knowledge as the paramount requirement; and 80 Stat. 409. 5 USC 2105.
"(C) an employee of the Veterans' Canteen Service, Veterans' Administration, excepted from chapter 51 of this title by section 5102(c)(14) of this title who is employed in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or labor experience and knowledge as the paramount requirement; and 80 Stat. 443. 5 USC 5101.

"(3) 'position' means the work, consisting of duties and responsibilities, assignable to a prevailing rate employee.

"(b)(1) Except as provided by paragraphs (2) and (3) of this subsection, this subchapter applies to all prevailing rate employees and positions in or under an agency.

"(2) This subchapter does not apply to employees and positions described by section 5102(c) of this title other than by—
"(A) paragraph (7) of that section to the extent that such paragraph (7) applies to employees and positions other than employees and positions of the Bureau of Engraving and Printing; and
"(B) paragraph (14) of that section.

"(3) This subchapter, except section 5348, does not apply to officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title. Post, p. 572.

"(c) Each prevailing rate employee employed within any of the several States or the District of Columbia shall be a United States Citizenship requirement.

citizen or a bona fide resident of one of the several States or the District of Columbia unless the Secretary of Labor certifies that no United States citizen or bona fide resident of one of the several States or the District of Columbia is available to fill the particular position.

"§ 5343. Prevailing rate determinations; wage schedules; night differentials

"(a) The pay of prevailing rate employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided by section 206(a)(1) of title 29. To carry out this subsection—

71 Stat. 514; 80 Stat. 837. 80 Stat. 838.

"(1) the Civil Service Commission shall define, as appropriate—

"(A) with respect to prevailing rate employees other than prevailing rate employees under paragraphs (B) and (C) of section 5342(a)(2) of this title, the boundaries of—

Ante, p. 564.

"(i) individual local wage areas for prevailing rate employees having regular wage schedules and rates; and

"(ii) wage areas for prevailing rate employees having special wage schedules and rates;

"(B) with respect to prevailing rate employees under paragraphs (B) and (C) of section 5342(a)(2) of this title, the boundaries of—

"(i) individual local wage areas for prevailing rate employees under such paragraphs having regular wage schedules and rates (but such boundaries shall not extend beyond the immediate locality in which the particular prevailing rate employees are employed); and

"(ii) wage areas for prevailing rate employees under such paragraphs having special wage schedules and rates;

"(2) the Civil Service Commission shall designate a lead agency for each wage area;

"(3) subject to paragraph (5) of this subsection, and subsections (c)(1)–(3) and (d) of this section, a lead agency shall conduct wage surveys, analyze wage survey data, and develop and establish appropriate wage schedules and rates for prevailing rate employees;

"(4) the head of each agency having prevailing rate employees in a wage area shall apply, to the prevailing rate employees of that agency in that area, the wage schedules and rates established by the lead agency, or by the Civil Service Commission, as appropriate, for prevailing rate employees in that area; and

"(5) the Civil Service Commission shall establish wage schedules and rates for prevailing rate employees who are United States citizens employed in any area which is outside the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

"(b) The Civil Service Commission shall schedule full-scale wage surveys every 2 years and shall schedule interim surveys to be conducted between each 2 consecutive full-scale wage surveys. The Commission may schedule more frequent surveys when conditions so suggest.

"(c) The Civil Service Commission, by regulation, shall prescribe practices and procedures for conducting wage surveys, analyzing wage survey data, developing and establishing wage schedules and rates, and administering the prevailing rate system. The regulations shall provide— Regulations.

"(1) that, subject to subsection (d) of this section, wages surveyed be those paid by private employers in the wage area for similar work performed by regular full-time employees, except that, for prevailing rate employees under paragraphs (B) and (C) of section 5342(a)(2) of this title, the wages surveyed shall be those paid by private employers to full-time employees in a representative number of retail, wholesale, service, and recreational establishments similar to those in which such prevailing rate employees are employed; *Ante*, p. 564.

"(2) for participation at all levels by representatives of organizations accorded recognition as the representatives of prevailing rate employees in every phase of providing an equitable system for fixing and adjusting the rates of pay for prevailing rate employees, including the planning of the surveys, the drafting of specifications, the selection of data collectors, the collection and the analysis of the data, and the submission of recommendations to the head of the lead agency for wage schedules and rates and for special wage schedules and rates where appropriate;

"(3) for requirements for the accomplishment of wage surveys and for the development of wage schedules and rates for prevailing rate employees, including, but not limited to—

"(A) nonsupervisory and supervisory prevailing rate employees paid under regular wage schedules and rates;

"(B) nonsupervisory and supervisory prevailing rate employees paid under special wage schedules and rates; and

"(C) nonsupervisory and supervisory prevailing rate employees described under paragraphs (B) and (C) of section 5342(a)(2) of this title;

"(4) for proper differentials, as determined by the Commission, for duty involving unusually severe working conditions or unusually severe hazards;

"(5) rules governing the administration of pay for individual employees on appointment, transfer, promotion, demotion, and other similar changes in employment status; and

"(6) for a continuing program of maintenance and improvement designed to keep the prevailing rate system fully abreast of changing conditions, practices, and techniques both in and out of the Government of the United States.

"(d)(1) A lead agency, in making a wage survey, shall determine whether there exists in the local wage area a number of comparable positions in private industry sufficient to establish wage schedules and rates for the principal types of positions for which the survey is

made. The determination shall be in writing and shall take into consideration all relevant evidence, including evidence submitted by employee organizations recognized as representative of prevailing rate employees in that area.

"(2) When a lead agency determines that there is a number of comparable positions in private industry insufficient to establish the wage schedules and rates, such agency shall establish those schedules and rates on the basis of—

"(A) local private industry rates; and

"(B) rates paid for comparable positions in private industry in the nearest wage area that such agency determines is most similar in the nature of its population, employment, manpower, and industry to the local wage area for which the wage survey is being made.

Step increases.

"(e)(1) Each grade of a regular wage schedule for nonsupervisor prevailing rate employees shall have 5 steps with—

"(A) the first step at 96 percent of the prevailing rate;

"(B) the second step at 100 percent of the prevailing rate;

"(C) the third step at 104 percent of the prevailing rate;

"(D) the fourth step at 108 percent of the prevailing rate; and

"(E) the fifth step at 112 percent of the prevailing rate.

Automatic advancement.

"(2) A prevailing rate employee under a regular wage schedule who has a work performance rating of satisfactory or better, as determined by the head of the agency, shall advance automatically to the next higher step within the grade at the beginning of the first applicable pay period following his completion of—

"(A) 26 calendar weeks of service in step 1;

"(B) 78 calendar weeks of service in step 2; and

"(C) 104 calendar weeks of service in each of steps 3 and 4.

Benefits, preservation.

"(3) Under regulations prescribed by the Civil Service Commission, the benefits of successive step increases shall be preserved for prevailing rate employees under a regular wage schedule whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency.

"(4) Supervisory wage schedules and special wage schedules authorized under subsection (c)(3) of this section may have single or multiple rates or steps according to prevailing practices in the industry on which the schedule is based.

Shift differentials.

"(f) A prevailing rate employee is entitled to pay at his scheduled rate plus a night differential—

"(1) amounting to 7½ percent of that scheduled rate for regularly scheduled nonovertime work a majority of the hours of which occur between 3 p.m. and midnight; and

"(2) amounting to 10 percent of that scheduled rate for regularly scheduled nonovertime work a majority of the hours of which occur between 11 p.m. and 8 a.m.

A night differential under this subsection is a part of basic pay.

"§ 5344. Effective date of wage increase; retroactive pay

"(a) Each increase in rates of basic pay granted, pursuant to a wage survey, to prevailing rate employees is effective not later than the first day of the first pay period which begins on or after the 45th day,

excluding Saturdays and Sundays, following the date the wage survey is ordered to be made.

"(b) Retroactive pay is payable by reason of an increase in rates of basic pay referred to in subsection (a) of this section only when—

"(1) the individual is in the service of the Government of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or

"(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.

For the purpose of this subsection, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service in the armed forces or discharged from hospitalization following that training and service.

"§ 5345. Retained rate of pay on reduction in grade or reassignment

"(a) Under regulations prescribed by the Civil Service Commission, and subject to the limitation in subsection (b) of this section, a prevailing rate employee—

"(1) who is reduced in grade or reassigned to a wage schedule position having an established maximum scheduled rate of pay which is less than the employee's then existing scheduled rate of pay;

"(2) who holds a career or a career-conditional appointment in the competitive service, or an appointment of equivalent tenure in the excepted service;

"(3) whose reduction in grade or reassignment is not (A) caused by a demotion for personal cause, (B) at his request, (C) effected in a reduction in force due to lack of funds or curtailment of work, or (D) with respect to a temporary promotion, a condition of the temporary promotion to a higher grade;

"(4) who, for 2 continuous years immediately before the reduction in grade or reassignment, served (A) in the same agency and (B) in a grade or grades higher than the grade to which demoted; and

"(5) whose work performance during the 2-year period is satisfactory or better;

is entitled to basic pay at the scheduled rate to which he was entitled immediately before the reduction in grade or reassignment (including each increase in scheduled rate of pay granted pursuant to a wage survey) for a period of 2 years from the effective date of the reduction in grade or reassignment, so long as he—

"(A) continues in the same agency without a break in service of one workday or more;

"(B) is not entitled to a higher scheduled rate of pay by operation of this subchapter; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force due to a lack of funds or curtailment of work.

"(b) The scheduled rate of pay to which a prevailing rate employee is entitled under subsection (a) of this section with respect to each reduction in grade or reassignment to which that subsection applies may not exceed the sum of—

"(1) the minimum scheduled rate of the grade to which he is reduced or reassigned under each reduction in grade or reassignment to which that subsection applies (including each increase

in scheduled rate of pay granted pursuant to a wage survey); and

"(2) the difference between his scheduled rate immediately before the first reduction in grade or reassignment to which that subsection applies (including each increase in scheduled rate of pay granted pursuant to a wage survey) and the minimum scheduled rate of that grade which is three grades lower than the grade from which he was reduced or reassigned under the first of the reductions in grade or reassignment (including each increase in the scheduled rate of pay granted pursuant to a wage survey).

"(c) Under regulations prescribed by the Commission, a prevailing rate employee who is reduced in grade or reassigned to a wage schedule position from another local wage area, or from another wage schedule, or from a position not subject to this subchapter, is entitled to a retained scheduled rate of pay.

Regulations.

"(d) The Commission may prescribe regulations governing the retention of the scheduled rate of pay of an employee who together with his position is brought under this subchapter. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter, his scheduled rate of pay is determined under subsections (a) and (b) of this section. For the purpose of those subsections, service in the position which was brought under this subchapter is deemed service under this subchapter.

"§ 5346. Job grading system

"(a) The Civil Service Commission, after consulting with the agencies and with employee organizations, shall establish and maintain a job grading system for positions to which this subchapter applies. In carrying out this subsection, the Commission shall—

"(1) establish the basic occupational alinement and grade structure or structures for the job grading system;

"(2) establish and define individual occupations and the boundaries of each occupation;

"(3) establish job titles within occupations;

"(4) develop and publish job grading standards; and

"(5) provide a method to assure consistency in the application of job standards.

Review.

"(b) The Commission, from time to time, shall review such numbers of positions in each agency as will enable the Commission to determine whether the agency is placing positions in occupations and grades in conformance with or consistently with published job standards. When the Commission finds that a position is not placed in its proper occupation and grade in conformance with published standards or that a position for which there is no published standard is not placed in the occupation and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate occupation and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"(c) On application, made in accordance with regulations prescribed by the Commission, by a prevailing rate employee for the review of the action of an employing agency in placing his position in an occupation and grade for pay purposes, the Commission shall—

"(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

"(2) decide whether the position has been placed in the proper occupation and grade; and

"(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in placing the position in an occupation and grade.

The Commission shall certify to the agency concerned its action under paragraph (3) of this subsection. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"§ 5347. Federal Prevailing Rate Advisory Committee

"(a) There is established a Federal Prevailing Rate Advisory Committee composed of— Establishment; membership.

"(1) the Chairman, who shall not hold any other office or position in the Government of the United States or the government of the District of Columbia, and who shall be appointed by the Chairman of the Civil Service Commission for a 4-year term;

"(2) one member from the Office of the Secretary of Defense, designated by the Secretary of Defense;

"(3) two members from the military departments, designated by the Chairman of the Civil Service Commission;

"(4) one member, designated by the Chairman of the Civil Service Commission from time to time from an agency (other than the Department of Defense, a military department, and the Civil Service Commission);

"(5) an employee of the Civil Service Commission, designated by the Chairman of the Civil Service Commission; and

"(6) five members, designated by the Chairman of the Civil Service Commission, from among the employee organizations representing, under exclusive recognition of the Government of the United States, the largest numbers of prevailing rate employees.

"(b) In designating members from among employee organizations under subsection (a)(6) of this section, the Chairman of the Civil Service Commission shall designate, as nearly as practicable, a number of members from a particular employee organization in the same proportion to the total number of employee representatives appointed to the Committee under subsection (a)(6) of this section as the number of prevailing rate employees represented by such organization is to the total number of prevailing rate employees. However, there shall not be more than two members from any one employee organization nor more than four members from a single council, federation, alliance, association, or affiliation of employee organizations.

"(c) Every 2 years the Chairman of the Civil Service Commission shall review employee organization representation to determine adequate or proportional representation under the guidelines of subsection (b) of this section.

"(d) The members from the employee organizations serve at the pleasure of the Chairman of the Civil Service Commission.

"(e) The Committee shall study the prevailing rate system and other matters pertinent to the establishment of prevailing rates under this subchapter and, from time to time, advise the Civil Service Commission thereon. Conclusions and recommendations of the Committee shall be formulated by majority vote. The Chairman of the Committee may vote only to break a tie vote of the Committee. The Committee shall make an annual report to the Commission and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate. Duties. Report to President, transmittal to Congress.

"(f) The Committee shall meet at the call of the Chairman. However, a special meeting shall be called by the Chairman if 5 members make a written request to the Chairman to call a special meeting to consider matters within the purview of the Committee. Meetings.

"(g) Members of the Committee described in paragraphs (2)–(5) of subsection (a) of this section serve without additional pay. The Compensation.

5 USC 5332 note.

Chairman is entitled to a rate of pay equal to the maximum rate currently paid, from time to time, under the General Schedule. Members who represent employee organizations are not entitled to pay from the Government of the United States for services rendered to the Committee.

Clerical and professional personnel.

"(h) The Civil Service Commission shall provide such clerical and professional personnel as the Chairman of the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible to the Chairman of the Committee.

"§ 5348. Crews of vessels

"(a) Except as provided by subsections (b) and (c) of this section, the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.

80 Stat. 443.

"(b) Vessel employees of the Panama Canal Company may be paid in accordance with the wage practices of the maritime industry.

"(c) Vessel employees in an area where inadequate maritime industry practice exists and vessel employees of the Corps of Engineers shall have their pay fixed and adjusted under the provisions of this subchapter other than this section, as appropriate.

"§ 5349. Prevailing rate employees; legislative, judicial, Bureau of Engraving and Printing, and government of the District of Columbia

"(a) The pay of employees, described under section 5102(c)(7) of this title, in the Administrative Office of the United States Courts, the Library of Congress, the Botanic Garden, the Government Printing Office, the Office of the Architect of the Capitol, the Bureau of Engraving and Printing, and the government of the District of Columbia, shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and in accordance with such provisions of this subchapter, including the provisions of section 5344, relating to retroactive pay, and section 5345, relating to retention of pay, as the pay-fixing authority of each such agency may determine. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided for by section 206(a)(1) of title 29. If the pay-fixing authority concerned determines that the provisions of section 5345 of this title should apply to any employee under his jurisdiction, then the employee concerned shall be deemed to have satisfied the requirements of paragraph (2) of section 5345(a) of this title if the tenure of his appointment is substantially equivalent to the tenure of any appointment referred to in such paragraph.

Ante, p. 568.

71 Stat. 514; 80 Stat. 837.

80 Stat. 838.

"(b) Subsection (a) of this section does not modify or otherwise affect section 5102(d) of this title, section 305 of title 44, and section 180 of title 31.".

80 Stat. 444. 82 Stat. 1240, 84 Stat. 693. 58 Stat. 648.

(b) The analysis of subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"5341. Policy.
"5342. Definitions; application.
"5343. Prevailing rate determinations; wage schedules; night differentials.
"5344. Effective date of wage increase; retroactive pay.
"5345. Retained rate of pay on reduction in grade or reassignment.
"5346. Job grading system.

"5347. Federal Prevailing Rate Advisory Committee.
"5348. Crews of vessels.
"5349. Prevailing rate employees; legislative, judicial, Bureau of Engraving and Printing, and government of the District of Columbia.".

SEC. 2. Section 2105(c)(1) of title 5, United States Code, is amended by inserting "(other than subchapter IV of chapter 53 and sections 5550 and 7154 of this title)" immediately following "laws". 80 Stat. 409. *Ante*, p. 564. *Post*, p. 574.

SEC. 3. Section 5337 of title 5, United States Code, is amended— 80 Stat. 523; 81 Stat. 208.

(1) by striking out the words "to which this section applies" wherever they appear in subsection (b) and inserting "to which that subsection applies" in place thereof; and 80 Stat. 470.

(2) by adding at the end thereof:

"(c) Under regulations prescribed by the Civil Service Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of the General Schedule from a position to which this subchapter does not apply is entitled to a retained scheduled rate of pay.". 5 USC 5332 note.

SEC. 4. Section 5541(2)(xi) of title 5, United States Code, is amended to read as follows: 80 Stat. 485.

"(xi) an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of this title, or by a wage board or similar administrative authority serving the same purpose, except as provided by section 5544 of this title;".

SEC. 5. The first sentence of section 5544(a) of title 5, United States Code, is amended to read as follows: "An employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 or 5349 of this title, or by a wage board or similar administrative authority serving the same purpose, is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week.". 80 Stat. 486; 81 Stat. 641. *Ante*, pp. 566, 572.

SEC. 6. Subsection (a)(1) of section 6101 of title 5, United States Code, is amended to read as follows: 81 Stat. 207.

"(a)(1) For the purpose of this subsection, 'employee' includes an employee of the government of the District of Columbia and an employee whose pay is fixed and adjusted from time to time under section 5343 or 5349 of this title, or by a wage board or similar administrative authority serving the same purpose, but does not include an employee or individual excluded from the definition of employee in section 5541(2) of this title, except as specifically provided under this paragraph.". "Employee."

SEC. 7. (a) Section 6102 of title 5, United States Code, is repealed. Repeal. 80 Stat. 515.

(b) The analysis of chapter 61 of title 5, United States Code, is amended by striking out—

"6102. Eight-hour day; 40-hour workweek; wage-board employees.".

SEC. 8. Section 7154(b) of title 5, United States Code, is amended by striking out "subchapter III of chapter 53" and inserting "subchapters III and IV of chapter 53" in place thereof. 80 Stat. 523.

SEC. 9. (a)(1) Except as provided by this subsection, an employee's initial rate of pay on conversion to a wage schedule established pursuant to the amendments made by this Act shall be determined under conversion rules prescribed by the Civil Service Commission. Service by an employee in a grade of a wage schedule performed before the effective date of the conversion of the employee to a wage schedule established pursuant to the amendments made by this Act shall be counted toward not to exceed one step increase under the time in step provisions of section 5343(e)(2) of title 5, United States Code, as amended by the first section of this Act.

(2) In the case of any employee described in section 2105(c), 5102(c) (7), (8), or (14) of title 5, United States Code, who is in the service as such an employee immediately before the effective date, with respect to him, of the amendments made by this Act, such amendments shall not be construed to decrease his rate of basic pay in effect immediately before the date on which such amendments become effective with respect to him. In addition, if an employee is receiving retained pay by virtue of law or agency policy immediately before the date on which the first wage schedule applicable to him under this Act is effective, he shall continue to retain that pay in accordance with the specific instructions under which the retained pay was granted until he leaves his position or until he becomes entitled to a higher rate.

Ante, p. 573. 80 Stat. 444.

(b) The amendments made by this Act shall not be construed to—

(1) abrogate, modify, or otherwise affect in any way the provisions of any contract in effect on the date of enactment of this Act pertaining to the wages, the terms and conditions of employment, and other employment benefits, or any of the foregoing matters, for Government prevailing rate employees and resulting from negotiations between Government agencies and organizations of Government employees;

(2) nullify, curtail, or otherwise impair in any way the right of any party to such contract to enter into negotiations after the date of enactment of this Act for the renewal, extension, modification, or improvement of the provisions of such contract or for the replacement of such contract with a new contract; or

(3) nullify, change, or otherwise affect in any way after such date of enactment any agreement, arrangement, or understanding in effect on such date with respect to the various items of subject matter of the negotiations on which any such contract in effect on such date is based or prevent the inclusion of such items of subject matter in connection with the renegotiation of any such contract, or the replacement of such contract with a new contract, after such date.

SEC. 10. (a) Subchapter V of chapter 55 of title 5, United States Code, relating to premium pay, is amended by adding at the end thereof the following new section:

80 Stat. 485. 5 USC 5550.

"§ 5550. Pay for Sunday and overtime work; employees of nonappropriated fund instrumentalities

"A 'prevailing rate employee' described in paragraph (B) of section 5342(a)(2) of this title—

Ante, p. 564.

"(1) if his regular work schedule includes an 8-hour period of service, a part of which is on Sunday, is entitled to additional pay at the rate of 25 percent of his hourly rate of basic pay for each hour of work performed during that 8-hour period of service;

"(2) is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week, computed in accordance with paragraph (1), (2), or (3), as applicable, of section 5544(a) of this title.

80 Stat. 486; 81 Stat. 641.

However, any such employee who regularly is required to remain at or within the confines of his post of duty in excess of 8 hours a day in a standby or on-call status is entitled to overtime pay only for hours of duty, exclusive of eating and sleeping time, in excess of 40 a week.".

(b) The table of sections of subchapter V of chapter 55 of title 5, United States Code, is amended by adding at the end thereof—

"5550. Pay for Sunday and overtime work; employees of nonappropriated fund instrumentalities.".

SEC. 11. Paragraph (2) of section 8704(d) of title 5, United States Code, is amended to read as follows: 80 Stat. 593.

"(2) a change in rate of pay under section 5344 or 5349 of this title is deemed effective as of the date of issuance of the order granting the increase or the effective date of the increase, whichever is later, except, that in the case of an employee who dies or retires during the period beginning on the effective date of the increase and ending on the date of the issuance of the order granting the increase, a change in rate of pay under either of such sections shall be deemed as having been in effect for such employee during that period.". *Ante*, pp. 568, 572.

SEC. 12. (a) Section 5548(a) of title 5, United States Code, is amended by striking out "sections 5544 and" and inserting in lieu thereof "section". 80 Stat. 488; 81 Stat. 201.

(b) Section 5548(b) of title 5, United States Code, is amended by striking out "section 5545(d)" and inserting in lieu thereof "sections 5545(d) and 5550".

SEC. 13. (a) All laws or parts of laws inconsistent with this Act are hereby repealed to the extent of such inconsistency.

(b) Subsection (a) of this section does not repeal or otherwise affect section 5102(d) of title 5, United States Code, section 305 of title 44 of such Code, or the provisions contained in section 180 of title 31, United States Code. 80 Stat. 444. 82 Stat. 1240; 84 Stat. 693. 58 Stat. 648.

SEC. 14. (a) The last sentence of section 4(a) of the Act of January 8, 1971 (84 Stat. 1952; Public Law 91-656) is amended to read as follows: "Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the month in which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.". *Ante*, p. 146.

(b) Paragraph (1) of section 5(a) of the Act of January 8, 1971 (84 Stat. 1952; Public Law 91-656) is amended to read as follows: 84 Stat. 1946. 5 USC 5305 note.

"(1) effective on the first day of the month in which such pay adjustment by the President is made effective as described above, shall adjust—".

SEC. 15. (a) The provisions of this Act are effective on the first day of the first applicable pay period which begins on or after the ninetieth day after the date of enactment of this Act, except that, in the case of those employees referred to in section 5342(a)(2) (B) and (C) of title 5, United States Code (as amended by the first section of this Act), such provisions are effective on the first day of the first applicable pay period which begins on or after the one hundred and eightieth day after such date of enactment or on such earlier date (not earlier than the ninetieth day after such date of enactment) as the Civil Service Commission may prescribe. Notwithstanding the provisions of this subsection, section 5343(e)(1) (D) and (E) and (e)(2)(C), as enacted by the first section of this Act, shall not be effective until the first day of the first pay period commencing after (1) the date on which the President ceases to exercise his authority under the Economic Stabilization Act of 1970 to stabilize wages and salaries, or (2) April 30, 1973, whichever occurs first. Effective dates. *Ante*, p. 564. *Ante*, p. 566. 85 Stat. 743. 12 USC 1904 note.

(b) A wage survey conducted by an agency before the effective date (with respect to employees covered by that wage survey) of this Act, for a wage schedule which becomes effective after that effective date, is deemed to meet the requirement in this Act for a survey by a lead agency.

Approved August 19, 1972.

Public Law 92-393

August 20, 1972
[H. R. 16254]

AN ACT

Making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes.

Disaster relief supplemental appropriations, 1973.

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, 1973, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

For an additional amount for "Salaries and expenses," $1,800,000.

CHAPTER II

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general," $3,500,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies," $26,000,000, to remain available until expended.

EXECUTIVE OFFICE OF THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For an additional amount for "Appalachian regional development programs," $16,000,000, to remain available until expended.

CHAPTER III

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

DEVELOPMENT FACILITIES

For an additional amount for "Development facilities," $30,000,000: *Provided*, That such additional amount shall not be subject to the restrictions of the last sentence of Section 105 of the Public Works and Economic Development Act of 1965, as amended.

79 Stat. 554; 85 Stat. 166, 42 USC 3135.

PLANNING, TECHNICAL ASSISTANCE, AND RESEARCH

For an additional amount for "Planning, technical assistance, and research," $9,100,000.

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration," $900,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $20,000,000, to be transferred from the "Disaster loan fund."

DISASTER LOAN FUND

For additional capital for the "Disaster loan fund," authorized by the Small Business Act, as amended, $1,300,000,000, to remain available until expended. 72 Stat. 384. 15 USC 631 note.

CHAPTER IV

EXECUTIVE OFFICE OF THE PRESIDENT

DISASTER RELIEF

For an additional amount for "Disaster relief," $200,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

CHAPTER V

GENERAL PROVISION

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

Approved August 20, 1972.

Public Law 92-394

AN ACT

August 20, 1972
[S. 3645]

To further amend the United States Information and Educational Exchange Act of 1948.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of the United States Information and Educational Exchange Act of 1948 is hereby amended to read as follows:

Radio Free Europe and Radio Liberty. Appropriation authorization. *Ante*, p. 114.

"SEC. 703. There are authorized to be appropriated to the Secretary of State $38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated pursuant to this section, no funds appropriated after the date of this Act may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973.".

Approved August 20, 1972.

Public Law 92-395

August 20, 1972
[S. 484]

AN ACT

To designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana.

Scapegoat Wilderness, Mont. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the area known as the Lincoln Back Country as generally depicted on a map entitled "Proposed Scapegoat Wilderness", dated May 19, 1972, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture, is hereby designated as the Scapegoat Wilderness within and as part of the Helena, Lolo, and Lewis and Clark National Forests, comprising an area of approximately 240,000 acres.

Map and description, filing with congressional committees.

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 Scapegoat Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such 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 legal description and map may be made.

Administration.

SEC. 3. The Scapegoat 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.

78 Stat. 890.
16 USC 1131 note.

Approved August 20, 1972.

Public Law 92-396

August 20, 1972
[H. R. 14106]

AN ACT

To amend the Water Resources Planning Act to authorize increased appropriations.

Water Resources Planning Act, appropriation increase.
85 Stat. 77.
42 USC 1962d.

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 (79 Stat. 244, 42 U.S.C. 1962 et seq.) is amended by striking out the present section 401 and inserting in lieu thereof the following:

"SEC. 401. There are authorized to be appropriated to the Water Resources Council:

"(a) not to exceed $6,000,000 annually for the Federal share of the expenses of administration and operation of river basin commissions, including salaries and expenses of the chairmen, but not including funds authorized by subsection (c) below: *Provided*, That not more than $750,000 annually shall be available under this subsection for any single river basin commission;

"(b) not to exceed $1,500,000 annually for the expenses of the Water Resources Council in administering this Act, not including funds authorized by subsection (c) below;

"(c) not to exceed $3,500,000 in fiscal year 1973 and such annual amounts as may be authorized by subsequent Acts for preparation of assessments, and for directing and coordinating the preparation of such regional or river basin plans as the Council determines are necessary and desirable in carrying out the policy of this Act: *Provided*, That not more than $2,500,000 shall be available under

this subsection for the preparation of assessments: *Provided further*, That the Council may transfer funds authorized by this subsection to river basin commissions and to Federal and State agencies upon such terms and conditions as it determines are necessary and desirable to carry out the above functions in an economical, efficient, and timely manner, and that such commissions and agencies are hereby authorized to receive and expend such funds pursuant to this subsection." Transfer of funds.

Approved August 20, 1972.

Public Law 92-397

AN ACT

To amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

August 22, 1972
[S. 2854]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 375 of title 28, United States Code, is amended to read as follows:

Supreme Court Justices.
Widows, annuities.
68 Stat. 918; 70 Stat. 1021.

"(a) The Director of the Administrative Office of the United States Courts shall pay to the surviving widow of a justice of the United States who died on or before the date of enactment of this section, while in regular active service or after having retired or resigned under the provisions of this chapter, an annuity of $10,000.

"(b) The surviving widow of a justice of the United States who is in regular active service or is retired or resigned under the provisions of this chapter on the date of enactment of this section, shall, if the justice gives written notice to the Director of the Administrative Office of the United States Courts within six months of the date of enactment of this section of his election to become subject to the provisions of section 376 of this chapter, be paid an annuity of $5,000 or an annuity in accordance with the provisions of section 376, whichever is the greater.

81 Stat. 668; 82 Stat. 662. 28 USC 376.

"(c) The surviving widow of a justice of the United States who is in regular active service or is retired or resigned under the provisions of this chapter on the date of enactment of this section, shall, if the justice fails to give timely written notice of his election to become subject to the provisions of section 376 of this chapter, be paid an annuity of $5,000.

"(d) The widow of a justice of the United States who is appointed after the date of enactment of this section shall be ineligible for an annuity under this section.

"(e) An annuity payable under this section shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month for which the annuity shall have accrued. Such annuity shall commence on the first day of the month in which a justice dies, and shall terminate upon the death or remarriage of the annuitant."

SEC. 2. Section 376 of title 28, United States Code, is amended by inserting "justice or" or "justice's or" prior to the word "judge" or "judge's", as appropriate, wherever those words appear therein, except in subsections (q), (r), and (s).

SEC. 3. (a) The heading of chapter 17, title 28, United States Code, is amended to read as follows:

"Chapter 17.—RESIGNATION AND RETIREMENT OF JUSTICES AND JUDGES".

(b) The analysis of chapter 17 of title 28, United States Code, is

amended by striking out the item relating to section 376 and inserting in lieu thereof the following:

"376. Annuities to widows and surviving dependent children of justices and judges of the United States.".

(c) The catchline of section 376 of title 28, United States Code, is amended to read as follows:

"§ 376. Annuities to widows and surviving dependent children of justices and judges of the United States".

81 Stat. 669.

SEC. 4. Section 604(a)(7) of title 28, United States Code, is amended by striking "Regulate and pay annuities to widows and surviving dependent children of judges," and inserting in lieu thereof "Regulate and pay annuities to widows and surviving dependent children of justices and judges of the United States,".

Approved August 22, 1972.

Public Law 92-398

August 22, 1972
[H. R. 15097]

AN ACT

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

Department of Transportation and Related Agencies Appropriation Act, 1973.

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, 1973, and for other purposes, namely:

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; $23,970,000.

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, $38,500,000, of which not to exceed $7,000,000 shall be derived from the appropriation for "Research, engineering and development (Airport and Airway Trust Fund)".

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), $875,000, to remain available until expended. *Post*, p. 616.

CONSOLIDATION OF DEPARTMENTAL HEADQUARTERS

For necessary expenses in connection with the consolidation of departmental activities into the Southwest Area of Washington, District of Columbia, $800,000.

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; $548,900,000, of which $164,905 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-five exclusive of planes and parts stored to meet future attrition: *Provided further*, That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights, or who have been assigned to a course of instruction of 90 days or more: *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: *Provided further*, That not to exceed $15,000 shall be available for investigative expenses of a confidential character, to be expended on the approval and authority of the Commandant and his determination shall be final and conclusive upon the accounting officer of the Government. 76 Stat. 461.

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; $131,550,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration of obstructive bridges; $12,500,000, 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 Plan: $72,789,000.

10 USC 1431.

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; $31,735,000: *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; $17,500,000, 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 (Public Law 92–75), $4,500,000, to remain available until expended.

85 Stat. 213.
46 USC 1451 note.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

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; $1,150,538,000; 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, $19,200,000, to remain available until expended; and

84 Stat. 219.
49 USC 1701 note.

72 Stat. 731.

for acquisition of screening devices, which devices may be transferred, conveyed, or loaned to air carriers and commercial operators under such terms and conditions as the Federal Aviation Administrator may deem appropriate, for use by such air carriers and commercial operators in complying with Federal requirements for passenger screening systems, $3,500,000, 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 in the maintenance and operation of air navigation facilities.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided, 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, but at a total cost of construction not to exceed $50,000 per housing unit in Alaska; and purchase of five aircraft; $302,650,000 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 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.

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; $66,000,000, 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 grants-in-aid for airport planning pursuant to section 13 of Public Law 91–258, and for liquidation of obligations incurred for airport development under authority contained in section 14 of Public Law 91–258, to be derived from the Airport and Airway Trust Fund and to remain available until expended, $115,000,000, of which $15,000,000 shall be for airport planning grants.

84 Stat. 224.
49 USC 1713.

85 Stat. 491.
49 USC 1714.

FEDERAL PAYMENT TO THE AIRPORT AND AIRWAY TRUST FUND

For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91-258, $48,728,000.

84 Stat. 250.
49 USC 1742.

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 two passenger motor vehicles for police type use, for replacement only; purchase. cleaning, and repair of uniforms; and arms and ammunition: $12,265,000.

CONSTRUCTION, NATIONAL CAPITAL AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $2,600,000, to remain available until expended.

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 for aviation war risk insurance activities under said Act.

72 Stat. 803.
61 Stat. 584.

FEDERAL HIGHWAY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, as authorized by law, of the Federal Highway Administration, $13,325,000, of which $5,600,000 shall be derived from the Highway Trust Fund, together with not to exceed $98,400,000 to be transferred from the appropriation for "Federal-aid highways (trust fund)": *Provided*, That not to exceed $22,150,000 of the amount provided herein shall remain available until expended.

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), $12,000,000 to remain available until expended, together with $965,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 105(a) of the Federal-Aid Highway Act of 1970.

79 Stat. 1028;
84 Stat. 1726.

84 Stat. 1715.

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, $12,000,000, of which $8,000,000 shall be derived from the Highway Trust Fund: *Provided*, That not to exceed $393,000 of the amount appropriated herein may be transferred to the appropriation "Salaries and expenses". 80 Stat. 731; 84 Stat. 1740.

RAIL CROSSINGS—DEMONSTRATION PROJECTS

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 322, to remain available until expended, $2,000,000, of which $600,000 shall be derived from the Highway Trust Fund. 84 Stat. 1742.

TERRITORIAL HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 215, $2,000,000, to remain available until expended. 84 Stat. 1720.

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, including the purchase of not to exceed two passenger motor vehicles $15,000,000, 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 2 of the Pacific Northwest Disaster Relief Act of 1965 (79 Stat. 131), reimbursement for sums expended pursuant to the provisions of section 21 of the Alaska Omnibus Act, as amended (78 Stat. 505), $4,891,990,000, or so much thereof as may be available in and derived from the "Highway trust fund", to remain available until expended. 72 Stat. 885. 23 USC 101. 48 USC prec. 21 note.

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, $35,000,000, to remain available until expended, and to be derived from the "Highway trust fund" at such times and in such amounts as may be necessary to meet current withdrawals. 82 Stat. 818.

FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $23,000,000. 72 Stat. 907.

PUBLIC LANDS HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

72 Stat. 908; 78 Stat. 397.

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, $16,000,000, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

TRAFFIC AND HIGHWAY SAFETY

80 Stat. 416.

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety, including services authorized by 5 U.S.C. 3109, $44,185,000, of which $29,490,000 shall be derived from the Highway trust fund.

STATE AND COMMUNITY HIGHWAY SAFETY (LIQUIDATION OF CONTRACT AUTHORIZATION)

80 Stat. 731; 84 Stat. 1740.

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, to remain available until expended, $70,000,000, of which $29,500,000 shall be derived from the Highway trust fund.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES

For necessary expenses of the Federal Railroad Administration, $2,835,000.

RAILROAD RESEARCH

For necessary expenses for conducting railroad research activities, $10,350,000, to remain available until expended.

BUREAU OF RAILROAD SAFETY

For necessary expenses of the Bureau of Railroad Safety, not otherwise provided for, $7,000,000.

HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

For necessary expenses for research, development, and demonstrations in high-speed ground transportation, $52,500,000, to remain available until expended.

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; and not to exceed $1,000,000 of the Fund shall be available for use in construction and engineering work on an extension of the Alaska Railroad from Fairbanks, Alaska, to the International Airport located near that city: *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.

80 Stat. 553.

5 USC 5332 note.

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), in connection with the activities, including uniforms and 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; $6,542,000.

78 Stat. 302; 84 Stat. 962.

80 Stat. 508; 81 Stat. 206.

80 Stat. 416.

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; $96,250,000: *Provided*, That $93,250,000 shall be available for research, development, and demonstrations, $2,500,000 shall be available for university research and training, and not to exceed $500,000 shall be available for managerial training as authorized under the authority of the said act.

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), $232,000,000, 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.

61 Stat. 584. 31 USC 849.

LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Not to exceed $797,000 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, 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.

80 Stat. 508; 81 Stat. 206. 80 Stat. 416.

TITLE II

RELATED AGENCIES

National Transportation Safety Board

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, $7,785,000.

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, $14,173,000.

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, $54,000,000, to remain available until expended.

72 Stat. 763.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, $33,120,000, of which $150,000 shall be available for valuation of pipelines: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

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 author-

ized 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, $55,200,000. 80 Stat. 508; 81 Stat. 206. 80 Stat. 432.

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 thirteen 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; $4,500,000, to remain available until expended. 76A Stat. 7, 26.

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 for such corporation, including maintaining and improving facilities of other Government agencies in the Canal Zone for Panama Canal Company use. 61 Stat. 584.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES

Not to exceed $20,556,000 of the funds available to the Panama Canal Company shall be available during the current fiscal year for general and administrative expenses of the Company, including operation of tourist vessels and guide services, which shall be computed on an accrual basis. Funds available to the Panama Canal Company for operating expenses shall be available for the purchase of not to exceed twenty-six passenger motor vehicles, for replacement only, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

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), including acquisition of rights-of-way, land, and interest therein, to remain available until expended, $131,181,000 for the fiscal year 1974. 83 Stat. 320. D.C. Code 1-1441 note.

TITLE III

GENERAL PROVISIONS

SEC. 301. During the current fiscal year 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).

80 Stat. 508; 81 Stat. 206.

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 $280,000,000 in fiscal year 1973.

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 1973.

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 $85,000,000 in fiscal year 1973 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 $4,000,000 in fiscal year 1973 for "Territorial Highways".

SEC. 306. 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 $20,000,000, exclusive of the reimbursable program, in fiscal year 1973 for "Forest Highways".

SEC. 307. 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 $12,000,000 in fiscal year 1973 for "Public Lands Highways".

SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for "Urban Mass Transportation Fund" aggregating more than $1,000,000,000 in fiscal year 1973.

Fiscal year limitation.

SEC. 309. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Everglades National Park, Fla., ecology study.

SEC. 310. 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.

80 Stat. 416.

SEC. 311. 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. 312. 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 and Coast Guard personnel, dependents' school expenses.

SEC. 313. Funds appropriated under this Act for expenditure by the Federal Aviation Administration and the Coast Guard shall be available (1) for expenses of primary and secondary schooling for dependents of Federal Aviation Administration and Coast Guard 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. 314. 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.

80 Stat. 416.
5 USC 5332 note.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1973".

Short title.

Approved August 22, 1972.

Public Law 92-399

AN ACT

August 22, 1972
[H. R. 15690]

Making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes.

Agriculture-Environmental and Consumer Protection programs.
Appropriation, 1973.

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-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

DEPARTMENT OF AGRICULTURE

DEPARTMENTAL MANAGEMENT

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, including the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, 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 $15,000 for employment under 5 U.S.C. 3109, $11,112,000, of which $3,464,000 shall be available for the Office of Information and, of which total appropriation not to exceed $612,000 may be used for farmers' bulletins, which 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), and not less than two hundred and 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 section 73 of the Act of January 12, 1895 (44 U.S.C. 241): *Provided*, That this appropriation shall be reimbursed from applicable appropriations for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That not to exceed $2,500 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *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).

80 Stat. 416.
34 Stat. 690.
28 Stat. 612.
44 USC 1301 and note.
80 Stat. 381; 81 Stat. 54.
58 Stat. 742.

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, $14,519,000, and in addition, $4,250,000 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, $6,666,000.

OFFICE OF MANAGEMENT SERVICES

For necessary expenses to enable the Office of Management Services to provide management support services to selected agencies and offices of the Department of Agriculture, $4,147,000.

SCIENCE AND EDUCATION PROGRAMS

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; $188,036,600, and in addition not to exceed $15,000,000 from funds available under section 32 of the Act of August 24, 1935, pursuant to Public Law 88–250 shall be transferred to and merged with this appropriation: *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 and the purchase of not to exceed one for replacement only: *Provided further*, That of the appropriations hereunder, not less than $11,578,900 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 $40,000, except for six buildings to be constructed or improved at a cost not to exceed $80,000 each, 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 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 $3,460,000 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).

49 Stat. 774.
7 USC 612c.
77 Stat. 820.
58 Stat. 742.
80 Stat. 416.
58 Stat. 742.
62 Stat. 198.

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".

SCIENTIFIC ACTIVITIES OVERSEAS

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)), $10,000,000, to remain available until expended: *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

80 Stat. 1528.

$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.

58 Stat. 742.
80 Stat. 416.

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, $289,304,000 of which $1,500,000 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, and $19,000,000 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 item for the Agricultural Research Service in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1972: *Provided*, That $2,000,000 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 two 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 $880,000 shall remain available until expended for plans, construction, and improvement of facilities, without regard to limitations contained herein: *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

61 Stat. 7; 85 Stat. 418.
31 USC 665.
85 Stat. 184.
58 Stat. 742.

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. 61 Stat. 7; 85 Stat. 418. 21 USC 114b.

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 $68,840,000 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), including administration by the United States Department of Agriculture; $6,444,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a–582a–7); $15,400,000, 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), of which $1,900,000 shall be for the special cotton research program, $400,000 for soybean research and $2,000,000 shall be placed in reserve pending determination of qualified and necessary projects; $264,000 for penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; and $490,000 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 $91,438,000. *Ante*, p. 351. 79 Stat. 431. 69 Stat. 673. 7 USC 361f. 58 Stat. 742. 80 Stat. 416.

EXTENSION SERVICE

Payments to States and Puerto Rico: 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, and the Act of October 5, 1962 (7 U.S.C. 341–349), to be distributed under sections 3(b) and 3(c) of the Act, and for retirement and employees' compensation costs for extension agents, $120,858,000; 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, $6,000,000, of which $2,000,000 shall be placed in reserve pending determination of the availability of qualified personnel; payments for rural development work under section 3(d) of the Act, $2,000,000; payments for the pest management program under section 3(d) of the Act, $500,000; payments and contracts for such work under section 204(b)–205 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623–1624), $1,450,000; and payments for extension work under section 109 of the District of Columbia Public Education Act, as amended by the Act of June 20, 1968 (7 U.S.C. 329), $800,000; in all, $182,168,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, shall not be paid to any State or Puerto Rico prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year. 67 Stat. 83; 69 Stat. 683; 76 Stat. 745. 26 Stat. 417. 60 Stat. 1089. 82 Stat. 241. D.C. Code 31-1609.

Penalty mail: For costs of penalty mail for cooperative extension agents and State extension directors, $7,617,000.

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, and the Act of October 5, 1962 (7 U.S.C. 341–349), and extension aspects of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and of the District of Columbia Public Education Act, as amended by the Act of June 20, 1968 (7 U.S.C. 329), and to 60 Stat. 1087.

coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $4,546,000.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library $4,226,750: *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.

58 Stat. 742.
80 Stat. 416.

AGRICULTURAL ECONOMICS

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, $22,834,200: *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.

60 Stat. 1087.

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; $17,829,000 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. 80 Stat. 416.

MARKETING SERVICES

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; $34,210,000: *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. 42 Stat. 159. 7 USC 181. 58 Stat. 742.

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)), $2,500,000. 60 Stat. 1089.

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 $3,314,000 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 $502,193,000 (including not to exceed $2,000,000 for State administrative expenses) for (a) child feeding programs and nutritional programs authorized by law in the School Lunch Act and the Child Nutrition Act, as amended, of which $53,225,000 shall be available for the nonschool feeding program; and (b) 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 other 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. 49 Stat. 774. 70 Stat. 1119. 16 USC 742a note. 7 USC 674 note. 7 USC 1911 note. 42 USC 1751 note, 1771 note.

COMMODITY EXCHANGE AUTHORITY

For necessary expenses to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1–17b), including not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,906,000.

42 Stat. 998; 49 Stat. 1491; 82 Stat. 26. 80 Stat. 416.

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, $4,062,650.

42 Stat. 159. 7 USC 181. 58 Stat. 742.

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), $2,055,000.

44 Stat. 802. 60 Stat. 1087.

INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses for the Foreign Agriculture 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 $35,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $25,805,000: *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: *Provided further*, That, in addition, not to exceed $3,117,000 of the funds appropriated by section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), shall be merged with this appropriation and shall be available for all expenses of the Foreign Agricultural Service.

68 Stat. 908. 70 Stat. 1034. 49 Stat. 774.

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), to remain available until expended, as follows: (1) sale of agricultural commodities for foreign currencies and for dollars on credit terms pursuant to title I of said Act, $371,375,000; and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, $523,625,000.

80 Stat. 1526; 84 Stat. 1379.

COMMODITY PROGRAMS

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(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590q); 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, $169,235,000: *Provided*, That, in addition, not to exceed $78,346,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $33,248,000 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.

52 Stat. 38.
85 Stat. 379.
49 Stat. 1148; *Post*, p. 676.
70 Stat. 191; 73 Stat. 552; 79 Stat. 1206.
84 Stat. 1468.
58 Stat. 742.
80 Stat. 416.
62 Stat. 792.
Post, p. 676.

SUGAR ACT PROGRAM

For necessary expenses to carry into effect the provisions of the Sugar Act of 1948 (7 U.S.C. 1101–1161), $84,500,000, to remain available until June 30 of the next succeeding fiscal year.

61 Stat. 922; 85 Stat. 379.

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), $52,500,000.

79 Stat. 1206.

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

For necessary expenses involved in making payments to dairy farmers and manufacturers of dairy products who have been directed

to remove their milk or milk 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, $3,500,000, to remain available until expended: *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.

CORPORATIONS

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 for such corporation or agency, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, $12,000,000.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed $3,654,000 of administrative and operating expenses 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), $4,057,952,000: *Provided*, That no funds appropriated by this Act shall be used to formulate or administer programs for the sale of agricultural commodities pursuant to title I of Public Law 480, 83d Congress, as amended, to any nation which sells or furnishes or which permits ships or aircraft under its registry to transport to North Vietnam any equipment, materials, or commodities, so long as North Vietnam is governed by a Communist regime.

75 Stat. 391.
North Vietnam, assistance, prohibition.
80 Stat. 1526.
7 USC 1701.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $39,900,000 shall be available for administrative expenses of the Commodity Credit Corporation: *Provided*, That $945,000 of this authorization shall be available only to expand and

strengthen the sales program of the Corporation pursuant to authority contained in the Corporation's charter: *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.

31 USC 665.

TITLE II—RURAL DEVELOPMENT PROGRAMS

DEPARTMENT OF AGRICULTURE

RURAL DEVELOPMENT SERVICE

For necessary expenses, not otherwise provided for, of the Rural Development Service in providing leadership and related services in carrying out the rural development activities of the Department of Agriculture, $400,000: *Provided*, That not to exceed $3,000 shall be available for employment under 5 U.S.C. 3109.

80 Stat. 416.

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), $26,600,000, to remain available until expended: *Provided*, That $3,600,000 of the funds available in the direct loan account of the Farmers Home Administration shall be available for loans under subtitle A of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1922–1929), and section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(e)), to remain available until expended: *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.

Post, p. 669.

49 Stat. 163; 58 Stat. 738.

75 Stat. 307; 82 Stat. 770.

58 Stat. 742.

80 Stat. 416.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–924; Public Law 92–12), as follows:

49 Stat. 1363; 85 Stat. 29.

LOAN AUTHORIZATIONS

For loans in accordance with said Act, and for carrying out the provisions of section 7 thereof, to be borrowed from the Secretary of the Treasury in accordance with the provisions of section 3(a) of said Act, and to remain available without fiscal year limitation in accordance with section 3(e) of said Act, as follows: rural electrification program, $595,000,000, which shall include $107,000,000 available but unused in 1972, and rural telephone program, $145,000,000.

49 Stat. 1365.
7 USC 907.
61 Stat. 546.
7 USC 903.
69 Stat. 131.

CAPITALIZATION OF RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, $30,000,000, to remain available until expended, to be derived from the net collection proceeds in the rural telephone account created under title III of the Rural Electrification Act, as amended (7 U.S.C. 901–924, Public Law 92–12).

85 Stat. 29.

RURAL TELEPHONE BANK

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.

61 Stat. 584.
31 USC 849.

SALARIES AND EXPENSES

For administrative expenses, 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, $16,720,000.

58 Stat. 742.
80 Stat. 416.

FARMERS HOME ADMINISTRATION

DIRECT LOAN ACCOUNT

Direct loans and advances under subtitle B and advances under section 335(a), for which funds are not otherwise available, of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), as amended, may be made from funds available in the Farmers Home Administration direct loan account for operating loans in the amount of $350,000,000, to remain available until expended, pursuant to section 338(c) of the above Act, and, for advances under section 335(a), in such amounts as are found necessary thereunder.

75 Stat. 310, 315.
7 USC 1941, 1985.
80 Stat. 167.
7 USC 1988.

RURAL HOUSING INSURANCE FUND

For direct loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, $10,000,000 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,

83 Stat. 399.
42 USC 1487.
42 USC 1471.

$2,144,000,000. Hereafter, farmer applicants for direct or insured rural housing loans shall be required to provide only such collateral security as is required of owners of nonfarm tracts.

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 $39,752,000 as authorized by section 521(c) of the Act, $51,461,000. 63 Stat. 438; 79 Stat. 498; 82 Stat. 551.

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 Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1988(a)), $56,762,000. 75 Stat. 316; 80 Stat. 167.

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. 1928–1929, as follows: real estate loans, $370,000,000, including not less than $350,000,000 for farmownership loans; water and waste disposal loans, $300,000,000; and emergency loans in amounts necessary to meet the needs resulting from natural disasters. 75 Stat. 308; 82 Stat. 770.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), $150,000,000, to remain available until expended, pursuant to section 306(d) of the above Act, of which $58,000,000 shall be derived from the unexpended balance of amounts appropriated under this head in the fiscal year 1972, largely to meet the expanding need for areas not now covered: *Provided*, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973. 79 Stat. 931; 82 Stat. 770. 84 Stat. 1383.

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), $3,750,000, to remain available until expended. 78 Stat. 797; 84 Stat. 1806.

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), $3,000,000, to remain available until expended. 82 Stat. 553.

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921–1991), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1490c, 83 Stat. 399); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444), and for carrying out the responsibilities of the Secretary of Agriculture under sections 235 and 236 of the National Housing Act, as amended (12 U.S.C. 1715z–1715z–1), and section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), $112,743,000, together with not more than $1,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) 75 Stat. 307. 63 Stat. 432. 64 Stat. 98. 84 Stat. 1770–1776. 84 Stat. 1780, 1804.

7 USC 1929.
75 Stat. 187; 79 Stat. 499.
42 USC 1484, 1487.
58 Stat. 742.
63 Stat. 434; 84 Stat. 1806.
42 USC 1474.

of the Consolidated Farmers Home Administration Act of 1961, 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 Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *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.

INDEPENDENT AGENCIES

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $5,545,000 (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.

TITLE III—ENVIRONMENTAL PROGRAMS

INDEPENDENT AGENCIES

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 established by Executive Order 11472 of May 29, 1969, as amended by Executive Order 11514 of March 5, 1970, $2,550,000.

83 Stat. 852.
42 USC 4321 note.
84 Stat. 114.
42 USC 4371 note.
42 USC 4321 note.

ENVIRONMENTAL PROTECTION AGENCY

AGENCY AND REGIONAL MANAGEMENT

For agency and regional management expenses, including official reception and representation expenses (not to exceed $2,000); 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; $41,960,400.

80 Stat. 508; 81 Stat. 206.
80 Stat. 416.
5 USC 5332 note.

RESEARCH AND DEVELOPMENT

For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; 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; $182,723,700, to remain available until expended: *Provided*, That not later than the date set forth in section 102(c) of the joint resolution approved July 1, 1972 (Public Law 92-334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973. *Ante*, p. 404.

For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified research agencies or individuals, $2,500,000.

ABATEMENT AND CONTROL

For abatement and control activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; 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; $208,935,700, to remain available until expended: *Provided*, That not later than the date set forth in section 102(c) of the joint resolution approved July 1, 1972 (Public Law 92-334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973. 80 Stat. 416. 5 USC 5332 note.

For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified agencies or individuals, $2,000,000.

Not to exceed 7 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction Grants" and "Scientific Activities Overseas") may be transferred to any other such appropriation.

ENFORCEMENT

For enforcement activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; 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; $28,894,200.

CONSTRUCTION GRANTS

For construction of waste treatment works pursuant to the Federal Water Pollution Control Act, as amended, $1,900,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973. 70 Stat. 498; 84 Stat. 91; *Ante*, p. 47. 33 USC 1151 note.

SCIENTIFIC ACTIVITIES OVERSEAS

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 appropriations to such Agency, for payments in the foregoing currencies.

NATIONAL COMMISSION ON MATERIALS POLICY

For expenses necessary to carry out the provisions of title II of the Act of October 26, 1970 (84 Stat. 1234–1235), $1,300,000.

42 USC 3251 note.

DEPARTMENT OF COMMERCE

NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

For necessary expenses to carry out the provisions of Executive Order 11523 of April 9, 1970, establishing the National Industrial Pollution Control Council, $323,000.

42 USC 4321 note.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GRANTS FOR BASIC WATER AND SEWER FACILITIES

For grants authorized by section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102), $500,000,000, to remain available until expended which shall be derived from the unexpended balance of amounts appropriated under this head in Public Law 92–73.

79 Stat. 490; 84 Stat. 886.

85 Stat. 195.

DEPARTMENT OF AGRICULTURE

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 prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials 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, $160,069,000: *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 $2,500, except for one building to be constructed at a cost not to exceed $25,000 and eight buildings to be constructed or improved at a cost not to exceed $15,000 per building and except that alterations or improvements to other existing permanent buildings costing $2,500 or more may be made in any fiscal year in an amount not to exceed $500 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.

49 Stat. 163.

58 Stat. 742.

80 Stat. 416.

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), to remain available until expended, $11,607,000: *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.

68 Stat. 668.

58 Stat. 742.

80 Stat. 416.

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, $7,622,000: *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.

68 Stat. 666; 70 Stat. 1088; 72 Stat. 567.

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, to remain available until expended, $133,549,500 (of which $27,374,000 shall be available for the watersheds authorized under the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701, 709, 16 U.S.C. 1006a), as amended and supplemented), with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection and flood prevention purposes: *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 $20,400,000 of the funds in the direct loan account of the Farmers Home Administration shall be available until expended for loans.

49 Stat. 163.

49 Stat. 1570. 70 Stat. 1090; 74 Stat. 131.

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), $18,113,500, to remain available until expended.

70 Stat. 1115; 83 Stat. 194.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

For necessary expenses to carry into effect the program authorized in section 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U.S.C. 590g–590o, 590p(a), and 590q), including not to exceed $15,000 for

49 Stat. 1148.

the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $195,500,000, to remain available until December 31 of the next succeeding fiscal year for compliance with the programs of soil-building and soil- and water-conserving practices authorized under this head in the Department of Agriculture and Related Agencies Appropriation Act, 1971 and the Act making Appropriations for Agriculture-Environmental and Consumer Protection Programs, 1972, carried out during the period July 1, 1970, to December 31, 1972, inclusive: *Provided*, That none of the funds herein appropriated shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, 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 Department 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 1973 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 $225,500,000, excluding administration, except that no participant 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 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 Rural Environmental Assistance 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 such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary under programs provided for herein: *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, United States Code, section 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 designed 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.

84 Stat. 1490.
85 Stat. 183.
49 Stat. 1148.
16 USC 590g.
53 Stat. 1147.
62 Stat. 792.

WATER BANK ACT 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. 84 Stat. 1468.

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, to remain available until expended, $10,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated for emergency conservation measures. 71 Stat. 176.

TITLE IV—CONSUMER PROGRAMS

INDEPENDENT AGENCIES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, established by Executive Order 11583 of February 24, 1971, $1,075,500 including services authorized by 5 U.S.C. 3109. 3 CFR, 1971 Comp., p. 136. 80 Stat. 416.

CONSUMER PRODUCT INFORMATION COORDINATING CENTER

For necessary expenses of the Consumer Product Information Coordinating Center, including services authorized by 5 U.S.C. 3109, $823,000.

NATIONAL COMMISSION ON CONSUMER FINANCE

For necessary expenses of the National Commission on Consumer Finance, $365,000.

DEPARTMENT OF AGRICULTURE

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); Public Law 91–248, $526,136,000, of which $54,840,000 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 $237,047,000 for special assistance to needy schoolchildren, $18,500,000 (of which $6,500,000 shall be placed in contingency reserve to be released on determination of need) for the school breakfast program, $15,000,000 for the nonfood assistance program, $1,500,000 for State administrative expenses, and $20,775,000 for special food service programs for children: *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 no part of this appropriation shall be used for nonfood assistance under section 5 of the National School Lunch Act, as amended: *Provided further*, That an additional $64,325,000 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 60 Stat. 230; 85 Stat. 85. 84 Stat. 207. 49 Stat. 774. 76 Stat. 944; 84 Stat. 208. 42 USC 1752. 42 USC 1754.

60 Stat. 231; 84 Stat. 209. 42 USC 1755. 58 Stat. 742. 80 Stat. 416.

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.

SPECIAL MILK PROGRAM

84 Stat. 336.

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), $97,123,000.

FOOD STAMP PROGRAM

78 Stat. 703; 84 Stat. 2048. 7 USC 2011 note.

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, $2,500,000,000, of which $158,854,000 shall be placed in contingency reserve by the Office of Management and Budget to be released upon determination of need.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

FOOD, DRUG, AND PRODUCT SAFETY

52 Stat. 1040. 74 Stat. 372. 80 Stat. 1296. 44 Stat. 1101. 42 Stat. 1486. 29 Stat. 604. 15 USC 401 note. 81 Stat. 568. 84 Stat. 1670. 58 Stat. 691, 693, 703; 80 Stat. 1181; 82 Stat. 1173. 80 Stat. 416. 5 USC 5332 note.

For necessary expenses, not otherwise provided for, of the Food and Drug Administration in carrying out the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Import Milk Act (21 U.S.C. 141 et seq.), the Filled Milk Act (21 U.S.C. 61 et seq.), the Import Tea Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406 et seq.), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), and sections 301, 311, 314, 354 through 360F, and 361 of the Public Health Service Act (42 U.S.C. 241, 243, 246, 262 through 263a, and 264), including payment in advance for special tests and analyses and adverse reaction reporting by contract; for studies of new developments pertinent to food and drug enforcement operations; for payment for publication of technical and informational materials in professional and trade journals; 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; and not to exceed $2,000 for official reception and representation expenses; in all, $154,123,000.

BUILDINGS AND FACILITIES

For repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Food and Drug Administration, where not otherwise provided, $3,900,000, to remain available until expended, and to be derived from funds heretofore appropriated under this appropriation and not used; and for necessary expenses in connection with food, drug, and product safety, $1,600,000, to be derived from funds heretofore appropriated under this appropriation and not used, and to be transferred to and merged with the fiscal year

1973 appropriation for "Food, drug, and product safety": *Provided*, That the unobligated balance on June 30, 1972, of the $8,000,000 referred to under this heading in the Second Supplemental Act, 1972, shall be transferred to and merged with the fiscal year 1973 appropriation for "Food, drug, and product safety".

Ante, p. 163.

INDEPENDENT AGENCIES

FEDERAL TRADE COMMISSION

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, $30,474,000.

80 Stat. 508; 81 Stat. 206. 80 Stat. 416.

TITLE V—GENERAL PROVISIONS

Passenger motor vehicles.

SEC. 501. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed five hundred and seventy-two (572) passenger motor vehicles, of which four hundred and thirty-nine (439) shall be for replacement only, and for the hire of such vehicles.

Aliens, employment.

SEC. 502. Provisions of law prohibiting or restricting the employment of aliens shall not apply to employment under the appropriations for the Foreign Agricultural Service.

Uniforms.

SEC. 503. 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 price forecast, prohibition.

SEC. 504. 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. 505. 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 of the United States.

Contracting, minimum sum.

SEC. 506. 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.

60 Stat. 1082; 68 Stat. 574; 72 Stat. 1793.

SEC. 507. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Marihuana.

SEC. 508. 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.

Approved August 22, 1972.

Public Law 92-400

August 22, 1972
[H. R. 6957]

AN ACT

To establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes.

Sawtooth National Recreation Area, Idaho. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith, the Sawtooth National Recreation Area is hereby established.

(b) The Sawtooth National Recreation Area (hereafter referred to as the "recreation area"), including the Sawtooth Wilderness Area (hereafter referred to as the "wilderness area"), shall comprise the lands generally depicted on the map entitled "Sawtooth National Recreation Area" dated June, 1972, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereafter referred to as the "Secretary") shall, as soon as practicable after the date of enactment of this Act, publish a detailed description and map showing the boundaries of the recreation area in the Federal Register.

Map, publication in Federal Register.

Administration.

SEC. 2. (a) The Secretary shall administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best provide (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, natural, historic, pastoral, wildlife, and other values, contributing to and available for public recreation and enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) the management, utilization, and disposal of natural resources on federally owned lands such as timber, grazing, and mineral resources insofar as their utilization will not substantially impair the purposes for which the recreation area is established.

(b) The lands designated as the Sawtooth Wilderness Area, which supersedes the Sawtooth Primitive Area, shall be administered in accordance with the provisions of this Act and the provisions of the Wilderness Act (78 Stat. 890), whichever is more restrictive, 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 1131 note.

Land acquisition.

SEC. 3. (a) Except as provided in section 4, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including mineral interests and scenic easements, which he determines are needed for the purposes of this Act: *Provided*, That acquisitions of lands or interests therein for access to and utilization of public property, and for recreation and other facilities, shall not exceed five per centum of the total acreage of all private property within the recreation area as of the effective date of this Act.

Limitation.

"Scenic easement."

As used in this Act the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use exercised by the owner as of the date of this Act.

(b) In exercising this authority to acquire lands, the Secretary shall give prompt and careful consideration to any offer made by an individual owning any land, or interest in land, within the boundaries described in subsection 1(b) of this Act. In considering such offer, the Secretary shall take into consideration any hardship to the owner

which might result from any undue delay in acquiring his property.

Condemnation proceedings.

(c) The Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to accomplish the objectives of this Act.

Non-Federal property exchange.

(d) 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 State of Idaho which he classifies as suitable for exchange and which is under his administrative jurisdiction. 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 Secretary 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.

Mineral interests.

(e) Nothing in this Act shall be construed as limiting the authority of the Secretary 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.

(f) 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.

(g) 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 recreation area and of the national forest within or adjacent to which they are located.

Condemnation authority.

(h) Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

Private land, regulations.

SEC. 4. (a) The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the recreation area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review any regulations established pursuant to the first sentence of this subsection, upon a complaint filed within six months after the effective date of such regulations, by any affected landowner in an action for a declaratory judgment.

60 Stat. 237. 5 USC prec. 551 note.

Condemnation restriction.

(b) After publication of such regulations, no privately owned lands shall be acquired by the Secretary by condemnation unless he determines, in his judgment, that such lands are being used, or are in imminent danger of being used, in a manner incompatible with the regulations established pursuant to this section or unless such lands are determined to be necessary for access or development, in which case such acquisitions shall be subject to the 5 per centum limitation established in subsection 3(a) of this Act.

Wilderness areas, designation.

SEC. 5. The Secretary shall, as soon as practicable after the enactment of this Act, review the undeveloped and unimproved portion or portions of the recreation area as to suitability or nonsuitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary shall comply with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area or areas reviewed.

16 USC 1132.

Stanley, restoration.

SEC. 6. 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, the restoration and maintenance of the historic setting and background of the frontier ranch-type town of Stanley.

State civil and criminal jurisdiction.

SEC. 7. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision 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.

Hunting and fishing regulations.

SEC. 8. 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 State of Idaho, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of 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.

Federal-State water rights.

SEC. 9. The jurisdiction of the State and the United States over waters of any stream included in the recreation area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

Mining restriction.

SEC. 10. 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.

Land surface protection, regulations.

SEC. 11. The Congress hereby recognizes and declares the need to take action to regulate the use of, and protect the surface values of, the Federal lands in the recreation area, and directs that rules and regulations necessary to carry out this section shall be promulgated and issued by the Secretary of Agriculture after consultation with the Secretary of the Interior. Such regulations shall include, when deemed necessary, provisions for control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such Federal land in connection with any authorized activities on such land, including but not limited to mineral prospecting, exploration, or development operations.

SEC. 12. Patents shall not hereafter be issued for locations and claims heretofore made in the recreation area under the mining laws of the United States.

SEC. 13. There are authorized to be appropriated for the purposes of this Act not more than $19,802,000 for the acquisition of lands and interests in lands and not more than $26,241,000 for development. Money appropriated from the land and water conservation fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area. Appropriation.

SEC. 14. (a) The Secretary of the Interior, in consultation with appropriate Federal, State, and local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the recreation area and the adjacent Pioneer Mountains for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendations to the Congress by December 31, 1974. Area analysis; park proposal. Report to Congress.

(b) His report shall show that in making the aforesaid recommendations he took into consideration, among other things—

(1) the feasible alternative uses of the land and the long- and short-term effect of such alternative uses upon, but not limited to, the following—

(A) the State and local economy,

(B) the natural and cultural environment,

(C) the management and use of water resources,

(D) the management of grazing, timber, mineral, and other commercial activities,

(E) the management of fish and wildlife resources,

(F) the continued occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and the future development of the same,

(G) the interrelation between recreation areas, wilderness areas and park lands, and

(2) the establishment of a national park in the mountain peaks and upland areas together with such portions of the national recreation area as may be necessary and appropriate for the proper administration and public use of and access to such park lands, leaving the valleys and low-lying lands available for multiple-use purposes.

(c) Any recommendation for the establishment of a unit of the national park system shall be accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such unit; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such park administrative unit.

(d) There are authorized to be appropriated not more than $50,000 to carry out the provisions of this section. Appropriation.

SEC. 15. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof. Separability.

Approved August 22, 1972.

82-081 O - 73 - 42

Public Law 92-401

August 22, 1972
[H. R. 5065]

AN ACT

To amend the Natural Gas Pipeline Safety Act of 1968, and for other purposes.

Natural Gas Pipeline Safety Act of 1968, amendment.
82 Stat. 722.

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(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)) is amended by striking out "two years" and inserting in lieu thereof "five years".

SEC. 2. Section 5(c)(1) of such Act (49 U.S.C. 1674(c)(1)) is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Except as otherwise provided in this section, if an application is submitted not later than September 30 in any calendar year, the Secretary shall pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required, during the following calendar year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary with respect to interstate transmission facilities. The Secretary may, after notice and consultation with a State agency, withhold all or any part of the funds for a particular State agency if he determines that such State agency (A) is not satisfactorily carrying out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section, or (B) is not satisfactorily acting as agent of the Secretary with respect to interstate transmission facilities.".

SEC. 3. Section 13 of such Act (49 U.S.C. 1682) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary is authorized to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this Act and to improve State and local pipeline safety programs.".

SEC. 4. Section 15 of such Act (49 U.S.C. 1684) is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 15. For the purpose of carrying out the provisions of this Act over a period of three fiscal years, beginning with the fiscal year ending June 30, 1972, there is authorized to be appropriated not to exceed $3,000,000 for the fiscal year ending June 30, 1972; not to exceed $3,800,000 for the fiscal year ending June 30, 1973; and not to exceed $5,000,000 for the fiscal year ending June 30, 1974.".

Report to President, transmittal to Congress.

SEC. 5. The Secretary of Transportation shall prepare and submit to the President for transmittal to the Congress on March 17, 1973, a report which shall contain—

(1) a description of the pipeline safety program being conducted in each State;

(2) annual projections of each State agency's needs for personnel, equipment, and activities reasonably required to carry out such State's program during each calendar year from 1973 through 1978 and estimates of the annual costs thereof;

(3) the source or sources of State funds to finance such programs;

(4) the amount of Federal assistance needed annually;

(5) an evaluation of alternative methods of allotting Federal funds among the States that desire Federal assistance, including recommendations, if needed for a statutory formula for apportioning Federal funds; and

(6) a discussion of other problems affecting cooperation among the States that relate to effective participation of State agencies in the national pipeline safety program.

The report shall be prepared by the Secretary after consultation with the cooperating State agencies and the national organization of State commissions.

SEC. 6. Section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(A)) is amended by striking out "and pipeline". 80 Stat. 940.

Approved August 22, 1972.

Public Law 92-402

AN ACT

August 22, 1972
[H. R. 13324]

To authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, and for related purposes.

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 1973, as follows:

Commerce Department maritime programs.
Appropriation authorization.

(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, $280,000,000, of which $30,000,000 is for the purchase of modern or reconstructed United States-flag vessels for lay-up in the National Defense Reserve Fleet;

(b) payment of obligations incurred for ship operation subsidies, $232,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operation), $30,000,000;

(d) reserve fleet expenses, $3,900,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $7,854,000; and

(f) financial assistance to State marine schools, $2,290,000.

SEC. 2. Section 905(a) of the Merchant Marine Act, 1936, is amended as follows: 52 Stat. 964; 84 Stat. 1034. 46 USC 1244.

(1) By inserting after the words "except that" the words "in the context of section 607 of this Act concerning capital construction funds and". 84 Stat. 1026. 46 USC 1177.

(2) By striking out the words "to the extent provided in uniform regulations promulgated by the Secretary of Commerce".

(3) By inserting before the period at the end thereof the words "in their operation or in competing for charters, subject to rules and

46 USC 1114.

regulations promulgated by the Secretary of Commerce pursuant to section 204(b) of this Act".

Liberty ships, use as artificial reefs.

SEC. 3. (a) Any State may apply to the Secretary of Commerce (hereafter referred to in this Act as the "Secretary") for Liberty ships which, but for the operation of this Act, would be designated by the Secretary for scrapping if the State intends to sink such ships for use as an offshore artificial reef for the conservation of marine life.

Conditions.

(b) A State shall apply for Liberty ships under this Act in such manner and form as the Secretary shall prescribe, but such application shall include at least (1) the location at which the State proposes to sink the ships, (2) a certificate from the Administrator, Environmental Protection Agency, that the proposed use of the particular vessel or vessels requested by the State will be compatible with water quality standards and other appropriate environmental protection requirements, and (3) statements and estimates with respect to the conservation goals which are sought to be achieved by use of the ships.

(c) Before taking any action with respect to an application submitted under this Act, the Secretary shall provide copies of the application to the Secretary of the Interior, the Secretary of Defense, and any other appropriate Federal officer, and shall consider comments and views of such officers with respect to the application.

SEC. 4. If, after consideration of such comments and views as are received pursuant to section 3(c), the Secretary finds that the use of Liberty ships proposed by a State will not violate any Federal law, contribute to degradation of the marine environment, create undue interference with commercial fishing or navigation, and is not frivolous, he shall transfer without consideration to the State all right, title, and interest of the United States in and to any Liberty ships which are available for transfer under this Act if—

(1) the State gives to the Secretary such assurances as he deems necessary that such ships will be utilized and maintained only for the purposes stated in the application and, when sunk, will be charted and marked as a hazard to navigation;

(2) the State agrees to secure any licenses or permits which may be required under the provisions of any other applicable Federal law;

(3) the State agrees to such other terms and conditions as the Secretary shall require in order to protect the marine environment and other interests of the United States; and

(4) the transfer would be at no cost to the Government with the State taking delivery of such Liberty ships at fleetside of the National Defense Reserve Fleet in an "as is—where is" condition.

SEC. 5. A State may apply for more than one Liberty ship under this Act. The Secretary shall, however, taking into account the number of Liberty ships which may be or become available for transfer under this Act, administer this Act in an equitable manner with respect to the various States.

SEC. 6. A decision by the Secretary denying any application for a Liberty ship under this Act is final.

Approved August 22, 1972.

Public Law 92-403

AN ACT

August 22, 1972
[S. 596]

To require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 1, United States Code, is amended by inserting after section 112a the following new section:

U.S. international agreements other than treaties.
Transmittal to Congress.
64 Stat. 980.

"§ 112b. United States international agreements; transmission to Congress

"The Secretary of State shall transmit to the Congress the text of any international agreement, other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President."

SEC. 2. The analysis of chapter 2 of title 1, United States Code, is amended by inserting immediately between items 112a and 113 the following:

"112b. United States international agreement; transmission to Congress."

Approved August 22, 1972.

Public Law 92-404

AN ACT

August 25, 1972
[S. 3159]

To authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memorial Parkway, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That for the purpose of commemorating the many significant contributions to the cause of conservation in the United States, which have been made by John D. Rockefeller, Junior, and to provide both a symbolic and desirable physical connection between the world's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of this distinguished citizen, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the John D. Rockefeller, Junior, Memorial Parkway (hereinafter referred to as the "parkway") to

John D. Rockefeller, Jr., Memorial Parkway, Wyo. Establishment.

consist of those lands and interests in lands, in Teton County, Wyoming, as generally depicted on a drawing entitled "Boundary Map, John D. Rockefeller, Junior, Memorial Parkway, Wyoming", numbered PKY–JDRM–20,000, and dated August 1971, a copy of which shall be on file and available for inspection in the Offices of the National Park Service, Department of the Interior. The Secretary shall establish the parkway by publication of a notice to that effect in the Federal Register, at such times as he deems advisable. The Secretary may make minor revisions in the boundary of the parkway from time to time, with the concurrence of the Secretary of Agriculture where national forest lands are involved, by publication of a revised drawing or other boundary description in the Federal Register.

Notice and boundary revisions, publication in Federal Register.

(b) The Secretary shall also take such action as he may deem necessary and appropriate to designate and identify as "Rockefeller Parkway" the existing and future connecting roadways within the parkway, and between West Thumb in Yellowstone National Park, and the south entrance of Grand Teton National Park: *Provided*, That any sections of the parkway located within Yellowstone National Park or Grand Teton National Park shall be administered and managed in the same manner and in accordance with the same regulations and policies as the other portions of such parks.

Land acquisition.

SEC. 2. Within the boundaries of the parkway, the Secretary may acquire lands and interests in lands by donation, purchase, exchange, or transfer from another Federal agency. Lands and interests in lands owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of another Federal agency shall, upon request of the Secretary, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the parkway.

Administration.

SEC. 3. (a) The Secretary shall administer the parkway as a unit of the national park system in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

Hunting and fishing regulations.

(b) The Secretary shall permit hunting and fishing within the area described by section 1(a) of this Act in accordance with applicable laws of the United States and the State of Wyoming, except that the Secretary may designate zones where, and periods when, no hunting or fishing shall be permitted for reasons of 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.

(c) The lands within the parkway, subject to valid existing rights, are hereby withdrawn from location, entry and patent under the United States mining laws.

Appropriation.

SEC. 4. For the purposes of this Act, there are authorized to be appropriated not more than $25,000 for the acquisition of lands and interests in lands and not more than $3,092,000 for development.

Approved August 25, 1972.

Public Law 92-405

AN ACT

August 25, 1972
[H. R. 15586]

Making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, 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, 1973, for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions, and for other purposes, namely:

Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, 1973.

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hire, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning of uniforms; official entertainment expenses (not to exceed $30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $2,138,800,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, 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.

68 Stat. 919.
42 USC 2011 note.
80 Stat. 416.
69 Stat. 471.

PLANT AND CAPITAL EQUIPMENT

For expenses of the Commission, 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 Atomic Energy Act of 1954, as amended, 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 sixty-seven for replacement only, and hire of passenger motor vehicles; and hire of aircraft; $494,610,000, to remain available until expended.

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.

Fellowships, restriction.

SEC. 102. No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony, and, upon conviction, shall be fined not more than $1,000 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.

Penalty.

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, $55,975,000 to remain available until expended: *Provided*, That $1,000,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife 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: *Provided further*, That no part of the appropriation contained in this Act shall be used for the study of the Mississippi River Channel north of Lock and Dam 25, Illinois, other than the portions of such study relating to environmental assessment and the completion of the phase I feasibility study.

16 USC 661 note.

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 for 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): $1,201,493,000, 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 in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That $840,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife 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: *Provided further*, That $1,000,000 of this appropriation shall be transferred to the Appalachian Regional Commission for the Pikeville, Kentucky, model city program.

16 USC 661 note.

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), $110,620,000, 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.

45 Stat. 534; 49 Stat. 1511.

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; $409,100,000, 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, $7,000,000, to remain available until expended.

69 Stat. 186; 76 Stat. 1194. 33 USC 701n.

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; $31,483,000.

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, or 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; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed two hundred and forty-one, of which one hundred and ninety-eight shall be for replacement only), and hire of passenger motor vehicles: *Provided*, That the total capital of said fund shall not exceed $197,000,000.

80 Stat. 436. 80 Stat. 508; 81 Stat. 206.

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation, and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of ten passenger motor vehicles of which one shall be for replacement only; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, and graves used by the Army in commercial cemeteries, to remain available until expended, $28,920,000: *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.

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, rehabili-

tation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $23,827,000: *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 $396,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife 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.

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, $271,425,000, of which $115,000,000 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 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.

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, $46,720,000, of which $45,770,000 shall be available for the "Upper Colorado River Basin Fund", authorized by section 5 of said Act of April 11, 1956, and $950,000 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.

70 Stat. 107.

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, $64,200,000, of which $53,000,000 is for liquidation of contract authority provided by section 303(b) of said Act.

43 USC 1543.
82 Stat. 887.
43 USC 1521.

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, $77,500,000, of which $62,703,000 shall be derived from the reclamation fund and $2,855,000 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 the unexpended balances of such advances shall be credited to the appropriation for the next succeeding fiscal year.

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, $20,380,000, 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).

69 Stat. 244.
85 Stat. 488.
43 USC 388.

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, $16,765,000, 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.

59 Stat. 54.

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.

32 Stat. 388.
45 Stat. 1057.
54 Stat. 774.

ADMINISTRATIVE PROVISIONS

Appropriations to the Bureau of Reclamation shall be available for purchase of not to exceed thirty passenger motor vehicles for replacement only; payment of claims for damage 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".

32 Stat. 388. 43 USC 371 and note.

58 Stat. 487.

49 Stat. 666.

59 Stat. 54.

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.

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, $597,000, to remain available until expended: *Provided*, That $10,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife 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.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $631,000.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, $94,500,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of the Bonneville transmission system and of marketing electric power and energy, $31,020,000.

ADMINISTRATIVE PROVISIONS

Appropriations of the Bonneville Power Administration shall be available to carry out all the duties imposed upon the Administrator pursuant to law. Appropriations made herein to the Bonneville Power Administration shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Other than as may be necessary to meet local emergencies, not to exceed 12 per centum of the appropriation for construction herein made for the Bonneville Power Administration shall be available for construction work by force account or on a hired-labor basis.

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, $900,000.

58 Stat. 890.

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, $700,000, 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 three passenger motor vehicles for replacement only, $5,098,000.

OFFICE OF THE SECRETARY

UNDERGROUND ELECTRIC POWER TRANSMISSION RESEARCH

For necessary expenses of research and development in underground electric power transmission, $1,000,000, to remain available until expended.

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, etc.

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.

47 Stat. 417.

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 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, $1,217,000.

80 Stat. 416.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, 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, $327,000,000, of which $205,000,000 shall be available for the Appalachian Development Highway System.

79 Stat. 5.
40 USC app. 1.
85 Stat. 168.

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.

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), $69,000.

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), $216,000.

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 $500 for official reception and representation expenses, $23,500,000.

80 Stat. 416.

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), $34,000.

33 USC 567b.

84 Stat. 856.
33 USC 567b-1.

NATIONAL WATER COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the Act of September 26, 1968 (Public Law 90–515), including compensation of the Executive Director at level IV of the Executive Schedule, $760,000, to remain available until expended.

82 Stat. 868.
42 USC 1962a note.
5 USC 5315 note.

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), $68,000.

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.

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, $64,550,000, 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 fifty-eight passenger motor vehicles, of which two hundred and twenty-eight shall be for replacement only.

48 Stat. 58.
16 USC 831.

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–5), including services as authorized by 5 U.S.C. 3109, but at rates not to exceed $100 per diem for individuals, and hire of passenger motor vehicles, $7,086,000, to remain available until expended, including $1,340,000 for carrying out the provisions of title I and administering the provisions of titles II, III, and IV of the Act, $731,000 for preparation of assessments and management of plans, $1,415,000 for expenses of river basin commissions under title II of the Act, and $3,600,000 for grants to States under title III of the Act: *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.

79 Stat. 244;
Ante, p. 578.
80 Stat. 416.

TITLE V—GENERAL PROVISIONS

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.

Fiscal year limitation.

This Act may be cited as the "Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, 1973".

Short title.

Approved August 25, 1972.

Public Law 92-406

August 25, 1972
[S. 2166]

AN ACT

To authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes.

Grant-Kohrs Ranch National Historic Site, Mont. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide an understanding of the frontier cattle era of the Nation's history, to preserve the Grant-Kohrs Ranch, and to interpret the nationally significant values thereof for the benefit and inspiration of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized to designate not more than two thousand acres in Deer Lodge Valley, Powell County, Montana, for establishment as the Grant-Kohrs Ranch National Historic Site.

Land and buildings, acquisition.

SEC. 2. Within the area designated pursuant to section 1 of this Act, the Secretary is authorized to acquire lands and interests in lands, together with buildings and improvements thereon, by donation, purchase or exchange. The Secretary shall establish the Grant-Kohrs Ranch National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of this Act.

Publication in Federal Register.

Administration.

SEC. 3. Pending such establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Grant-Kohrs Ranch National Historic Site in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

Appropriation.

SEC. 4. There are authorized to be appropriated $350,000 for land acquisition and not to exceed $1,800,000 (July 1971 prices) for development plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Approved August 25, 1972.

Public Law 92-407

August 28, 1972
[S. J. Res. 182]

JOINT RESOLUTION

Authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the World Ploughing Contest in September 1972.

Whereas the United States will host the Nineteenth Annual World Ploughing Contest in September 1972 in Blue Earth County, Minnesota, and

Whereas up to twenty-two nations can be expected to participate in this contest on September 15, and 16 as part of a weeklong Farmfest—U.S.A., and

Whereas the 1972 National Ploughing Contest and the 1972 Grand National Tractor-Pull Contest are included in the scheduled events of Farmfest—U.S.A., and

Whereas Farmfest—U.S.A. will feature exhibitions of machinery, equipment, supplies, services, and other products used in the production and marketing of agricultural products; promote foreign and domestic trade and commerce in such products; and salute worldwide agriculture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to invite by proclamation or in such other manner as he may deem proper the States of the Union and foreign nations to participate in Farmfest—U.S.A. to be held in Blue Earth County, Minnesota, from September 11, 1972, through September 17, 1972.

Farmfest—U.S.A. Participation.

Approved August 28, 1972.

Public Law 92-408

AN ACT

To establish the Seal Beach National Wildlife Refuge.

August 29, 1972 [H. R. 10310]

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 authorized to establish the Seal Beach National Wildlife Refuge (hereafter referred to in this Act as the "refuge") as part of the national wildlife refuge system.

Seal Beach National Wildlife Refuge, Calif. Establishment.

SEC. 2. (a) The refuge shall consist of certain lands, to be determined by the Secretary of the Interior with the advice and consent of the Secretary of the Navy, within the United States Naval Weapons Station, Seal Beach, California.

(b) Upon determination of the boundaries of the refuge by the Secretary of the Interior and the Secretary of the Navy the Secretary of the Interior shall immediately designate the area agreed upon as the refuge by publication of a description of such area in the Federal Register.

Publication in Federal Register.

(c) That portion of the United States Naval Weapons Station, Seal Beach, California, designated pursuant to this Act as a national wildlife refuge shall be transferred, without consideration, to the administrative jurisdiction of the Secretary of the Interior at such times as such portion is determined by the Department of Defense to be excess to its needs.

SEC. 3. The Secretary of the Interior shall administer the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd–668ee), and pursuant to plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Navy.

Administration.

82 Stat. 359; 83 Stat. 283.

SEC. 4. There is authorized to be appropriated until the close of June 30, 1977, not to exceed $525,000 to carry out the purposes of this Act.

Appropriation.

Approved August 29, 1972.

Public Law 92-409

JOINT RESOLUTION

To authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day".

August 29, 1972 [S. J. Res. 213]

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 October 6, 1972, as "National Coaches Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

National Coaches Day. Designation authorization.

Approved August 29, 1972.

Public Law 92-410

August 29, 1972
[H. R. 15580]

AN ACT

To amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes.

D.C. Police and firemen, salary increases.

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

TITLE I—AMENDMENTS TO DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACTS

SEC. 101. The salary schedule contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended to read as follows:

84 Stat. 354, 1391.

"SALARY SCHEDULE

"Salary class and title	Service step— 1	2	3	4	5	6	7	8	9
Class 1: Fire Private, Police Private	$10,000	$10,300	$10,800	$11,300	$12,100	$12,900	$13,400	$13,900	$14,400
Class 2: Fire Inspector	11,400	12,100	12,800	13,500	14,200	14,900	15,600	.....	.....
Class 3: Detective, Assistant Pilot, Assistant Marine Engineer	12,500	13,125	13,750	14,375	15,000	15,625	16,250	.....	.....
Class 4: Fire Sergeant, Police Sergeant, Detective Sergeant	13,580	14,260	14,940	15,620	16,300	16,980	.....	.....	.....
Class 5: Fire Lieutenant, Police Lieutenant	15,700	16,485	17,270	18,055	18,840	.....	.....	.....	.....
Class 6: Marine Engineer, Pilot	17,150	18,005	18,860	19,715	.....	.....	.....	.....	.....
Class 7: Fire Captain, Police Captain	18,600	19,530	20,460	21,390	.....	.....	.....	.....	.....
Class 8: Battalion Fire Chief, Police Inspector	21,560	22,640	23,720	24,800	.....	.....	.....	.....	.....
Class 9: Deputy Fire Chief, Deputy Chief of Police	25,300	27,015	28,730	30,445	.....	.....	.....	.....	.....
Class 10: Assistant Chief of Police, Assistant Fire Chief, Commanding Officer of the Executive Protective Service, Commanding Officer of the U.S. Park Police	30,000	32,000	34,000	.....	.....	.....	.....	.....	.....
Class 11: Fire Chief, Chief of Police	34,700	36,800	.....	.....	.....	.....	.....	.....	.....

"

SEC. 102. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended (1) by striking out "The" and inserting in lieu thereof "(a) Except as provided in subsection (b), the", and (2) by inserting after the salary schedule in that section the following:

"(b) Compensation may not be paid, by reason of any provision of this Act, at a rate in excess of the rate of basic pay for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code."

83 Stat. 864. 5 USC 5316.

SEC. 103. Section 201 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–824) is amended to read as follows:

Salary adjustment. 72 Stat. 482.

"SEC. 201. The rates of basic compensation of officers and members in active service on the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall be adjusted as follows:

Supra.

"(1) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 1 in the salary sched-

ule in effect on and after such date, and each such officer or member shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 1 in the salary schedule in effect on and after such date, and each such officer or member shall be placed in a service step as follows:

"From—	To—
Class 1, subclass (a) or (b):	Class 1:
Longevity step A	Service step 7.
Longevity step B	Service step 8.
Longevity step C	Service step 9.

"(2) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each such officer or member shall be placed in a service step as follows:

"From—	To—
Class 2, subclass (a) or (b):	Class 2:
Longevity step A	Service step 5.
Longevity step B	Service step 6.
Longevity step C	Service step 7.

"(3) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive basic compensation at the corresponding salary class in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—	To—
Class 3:	Class 3:
Longevity step A	Service step 5.
Longevity step B	Service step 6.
Longevity step C	Service step 7.
"From—	To—
Class 5:	Class 5:
Longevity steps A and B	Service step 5.
"From—	To—
Class 6, 7, 8, or 9:	Class 6, 7, 8, or 9:
Longevity steps A and B	Service step 4.

"(4) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary

schedule in effect on or after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—	To—
Class 4, subclass (a), (b), or (c):	Class 4:
Longevity step A	Service step 5.
Longevity steps B and C	Service step 6.

"(5) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of salary class 10 or 11 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date, except that any such officer or member who immediately prior to such date was serving in service step 4 of salary class 10 or in service step 3 of salary class 11 shall be placed in and receive basic compensation in a service step as follows:

"From—	To—
Class 10:	Class 10:
Service step 4	Service step 3.

"From—	To—
Class 11:	Class 11:
Service step 3	Service step 2."

Helicopter pilots and bomb disposal duty.
72 Stat. 483; 78 Stat. 881.

SEC. 104. Section 202 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–825) is amended to read as follows:

"SEC. 202. Each officer or member of the Metropolitan Police force, Executive Protective Service, and United States Park Police force assigned on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972—

Ante, p. 634.

"(1) to perform the duty of a helicopter pilot, or

"(2) to render explosive devices ineffective or to otherwise dispose of such devices.

shall receive, in addition to his scheduled rate of basic compensation, $2,100 per annum so long as he remains in such assignment. The additional compensation authorized by this section shall be paid to an officer or member in the same manner as he is paid the basic compensation to which he is entitled. No officer or member who receives the additional compensation authorized by this section may receive additional compensation under section 302."

Infra.

76 Stat. 1243.

SEC. 105. (a) Section 203 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–826) is amended to read as follows:

"SEC. 203. The aide to the Fire Marshal shall be included as a Fire Inspector in salary class 2."

Repeal.

(b) Section 204 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–826a) is repealed.

Technicians' positions.

SEC. 106. Section 302 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–828) is amended to read as follows:

"SEC. 302. (a) The Commissioner of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the

Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, are authorized to establish and determine, from time to time, the positions in salary classes 1, 2, and 4 to be included as technicians' positions.

"(b) Each officer or member—

"(1) who immediately prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972— *Ante*, p. 634.

"(A) was in a position assigned to subclass (b) of salary class 1 or 2 or subclass (c) of salary class 4, or

"(B) was in salary class 4 and was performing the duty of a dog handler, or

"(2) whose position is determined under subsection (a) to be included in salary class 1, 2, or 4 on or after such date as a technician's position,

shall on or after such date receive, in addition to his scheduled rate of basic compensation, $680 per annum. An officer or member described in paragraph (1)(A) or (2) shall receive the additional compensation authorized by this subsection until his position is determined under subsection (a) not to be included in salary class 1, 2, or 4 as a technician's position or until he no longer occupies such position, whichever occurs first. An officer or member described in paragraph (1)(B) shall receive such compensation so long as he performs the duty of a dog handler. If the position of dog handler is included under subsection (a) as a technician's position, an officer or member performing the duty of a dog handler may not receive both the additional compensation authorized for an officer or member occupying a technician's position and the additional compensation authorized for officers and members performing the duty of a dog handler. Dog handler.

"(c) Each officer or member who immediately prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 was assigned as a detective sergeant in subclass (b) of salary class 4 shall on or after such date, receive, in addition to his scheduled rate of basic compensation, $500 per annum so long as he remains in such assignment. Each officer or member who is promoted after such date to the rank of detective sergeant shall receive, in addition to his scheduled rate of basic compensation, $500 per annum so long as he remains in such assignment.

"(d) The additional compensation authorized by subsections (b) and (c) shall be paid to an officer or member in the same manner as he is paid the basic compensation to which he is entitled."

SEC. 107. Section 303 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829) is amended to read as follows: Advancement. 72 Stat. 483; 80 Stat. 1593.

"SEC. 303. (a) Each officer and member, if he has a current performance rating of 'satisfactory' or better, shall have his service step adjusted in the following manner:

"(1) Each officer and member in service step 1, 2, or 3 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of fifty-two calendar weeks of active service in his service step.

"(2) Each officer and member in service step 4 or 5 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service in his service step.

"(3) Each officer and member in service step 6, 7, or 8 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately sub-

sequent to the completion of one hundred and fifty-six calendar weeks of active service in his service step.

"(4) Each officer and member in salary classes 2 through 11 who has not attained the maximum service step rate of compensation for the rank or title in which he is placed shall be advanced in compensation successively to the next higher service step rate for such rank or title at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service in his service step, except that in the case of an officer or member in service step 4, 5, or 6 of salary class 2 or 3, service step 4 or 5 of salary class 4, and service step 4 of salary class 5, such officer or member shall be advanced successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service in his service step.

"Calendar week of active service."

"(b) As used in this title, the term 'calendar week of active service' includes all periods of leave with pay, and periods of nonpay status which do not cumulatively equal one basic workweek."

Promotion or transfer, basic compensation. 72 Stat. 484; 84 Stat. 356.

SEC. 108. Section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–830) is amended to read as follows:

"SEC. 304. (a) Except as otherwise provided in subsection (b) of this section, any officer or member who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class which exceeds his existing scheduled rate of basic compensation by not less than one step increase of the next higher step of the salary class from which he is promoted or transferred.

"(b) Any officer or member receiving additional compensation as provided in section 302 of this Act who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher class which exceeds his existing scheduled rate of basic compensation by at least the sum of one step increase of the next higher step of the salary class from which he is promoted or transferred and the amount of such additional compensation."

Ante, p. 636.

Demotion.

SEC. 109. Section 305 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–831) is amended by (1) striking out "Commissioners" and inserting in lieu thereof "Commissioner", and (2) striking out "or Subclass" immediately after "Class".

Longevity step increases.

SEC. 110. Section 401 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–832) is amended to read as follows:

"SEC. 401. (a) (1) In recognition of long and faithful service, each officer and member in the active service on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall receive per annum, in addition to the rate of basic compensation prescribed in the salary schedule contained in section 101 of this Act, an amount computed in accordance with the following table:

Ante, p. 634.

"If an officer or member has completed at least:	He shall receive per annum an amount, fixed to the nearest dollar, equal to:
15 years of continuous service	5 per centum of the rate of basic compensation prescribed for service step 1 of the salary class of such salary schedule which he occupies.
20 years of continuous service	10 per centum of such compensation.
25 years of continuous service	15 per centum of such compensation.
30 years of continuous service	20 per centum of such compensation.

"(2) For purposes of paragraph (1), continuous service as an officer or member includes any period of his service in the Armed Forces of the United States other than any period of such service (A) determined not to have been satisfactory service, (B) rendered before appointment as an officer or member, or (C) rendered after resignation as an officer or member.

"(3) Each officer and member shall receive additional compensation in accordance with paragraph (1) only as long as he remains in the active service. Such compensation shall be paid in the same manner as the basic compensation to which such officer or member is entitled, except that it shall not be subject to deduction and withholding for retirement and insurance, and shall not be considered as salary for the purpose of computing annuities pursuant to the Policeman and Firemen's Retirement and Disability Act and for the purpose of computing insurance coverage under the provisions of chapter 87 of title 5, United States Code.

71 Stat. 391. D.C. Code 4-521 note. 80 Stat. 592; 81 Stat. 646. 5 USC 8701.

"(b) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, and who are entitled to receive a pension relief allowance or retirement compensation under the Policemen and Firemen's Retirement and Disability Act, shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

Ante, p. 634.

"(c) Notwithstanding any other provision of this or any other law, each deputy chief of the Metropolitan Police force and of the Fire Department of the District of Columbia shall, upon completion of thirty years of continuous service on the police force or fire department, as the case may be, be placed in, and receive basic compensation at, the highest service step in the salary class to which his position is assigned in the salary schedule contained in section 101. For purposes of this subsection, in computing a deputy chief's continuous service on the police force or fire department, there shall be included any period of his service in the Armed Forces of the United States other than any period of such service—

"(1) determined not to have been satisfactory service,

"(2) rendered before appointment as an officer or member, or

"(3) rendered after resignation as an officer or member."

SEC. 111. Section 501 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–833) is amended by (1) adding "and the Executive Protective Service" immediately after "United States Park Police", and (2) striking out "or Sub-Classes" at the end of such section.

72 Stat. 485.

SEC. 112. The Act approved May 25, 1926 (D.C. Code, sec. 4–131), is amended (1) by inserting "(a)" immediately after "That", and (2) by adding at the end thereof the following new subsection:

Plainclothes duty, clothing allowance. 44 Stat. 635.

"(b) The Chief of Police of the Metropolitan Police force, the Commanding Officer of the Executive Protective Service, and the Commanding Officer of the United States Park Police force, are each authorized to provide a clothing allowance, not to exceed $300 in any one year, to an officer or member assigned to perform duties in 'plainclothes'. Such clothing allowance is not to be treated as part of the officer's or member's basic compensation and shall not be used for the purpose of computing his overtime, promotions, or retirement benefits. Such allowance for any officer or member may be discontinued at any time upon written notification by the authorizing official."

SEC. 113. Subsection (h) of the first section of the Act approved August 15, 1950 (D.C. Code, sec. 4–904(h)), is amended by striking out "class 10" wherever it appears therein and inserting in lieu thereof "the salary class applicable to the Fire Chief and Chief of Police".

79 Stat. 1013.

Pension relief allowance or retirement compensation.
67 Stat. 75.

SEC. 114. Section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (D.C. Code, sec. 4–518) is amended—

(1) by striking out "Such" in the second sentence and inserting in lieu thereof "Except as otherwise provided in this section, such";

(2) by striking out the third sentence:

(3) by inserting "(a)" immediately after "SEC. 301." and by adding the following at the end thereof:

"(b) The increase prescribed by subsection (a) of this section in the pension relief allowance or retirement compensation received by an individual retired from active service before the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 under the Policemen and Firemen's Retirement and Disability Act as a result of the increase in salary provided by the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall not be less than 17 per centum of such allowance or compensation.

Ante, p. 634.
71 Stat. 391.
D.C. Code 4-521 note.

"(c) Each individual retired from active service and entitled to receive a pension relief allowance or retirement compensation under the Policemen and Firemen's Retirement and Disability Act shall be entitled to receive, without making application therefor, with respect to each increase in salary, granted by any law which takes effect after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, to which he would be entitled if he were in active service, an increase in his pension relief allowance or retirement compensation computed as follows: His pension relief allowance or retirement compensation shall be increased by an amount equal to the product of such allowance or compensation and the per centum increase made by such law in the scheduled rate of compensation to which he would be entitled if he were in active service on the effective date of such increase in salary.

Effective date.

"(d) Each increase in pension relief allowance or retirement compensation made under this section because of an increase in salary shall take effect as of the first day of the first month following the effective date of such increase in salary."

Repeals.
74 Stat. 868.

SEC. 115. (a) Section 2 of the Act of September 8, 1960 (D.C. Code, sec. 4–823b) is repealed.

76 Stat. 1240.

(b) Section 2 of the Act of October 24, 1962 (D.C. Code, sec. 4–823c) is repealed.

78 Stat. 881.

(c) Section 102 of the Act of September 2, 1964 (D.C. Code, sec. 4–823d) is repealed.

80 Stat. 1592; 84 Stat. 357.

(d) Section 102 of the District of Columbia Policemen and Firemen's Salary Act Amendments of 1966 (D.C. Code, sec. 4–823d–1) is repealed.

82 Stat. 142.

(e) Section 2 of the District of Columbia Police and Firemen's Salary Act Amendments of 1968 (D.C. Code, sec. 4–823d–2) is repealed.

84 Stat. 355.

(f) Section 103 of the District of Columbia Police and Firemen's Salary Act Amendments of 1970 (D.C. Code, sec. 4–823d–3) is repealed.

Retroactive compensation.

SEC. 116. (a) Retroactive compensation or salary shall be paid by reason of the amendments made by this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first day of the first pay period which begins on or after

May 1, 1972, and ending on the date of enactment of this Act for services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which begins on or after May 1, 1972, and ending on the date of enactment of this Act, by an officer or member who dies during such period. 80 Stat. 495; 82 Stat. 1212. 5 USC 5581.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

(c) For the purpose of determining the amount of insurance for which an officer or member is eligible under the provisions of chapter 87 of title 5, United States Code (relating to government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act. 80 Stat. 592; 81 Stat. 646. 5 USC 8701.

SEC. 117. (a) If an officer or member of the Metropolitan Police Force, the Fire Department of the District of Columbia, the Executive Protective Service, or the United States Park Police force engages in educational course work in police or fire science or administration and if he is eligible for payments or reimbursements under section 4109(a)(2)(C) of title 5 of the United States Code for tuition expenses for such course work, the Commissioner of the District of Columbia, the Secretary of the Treasury, and the Secretary of the Interior shall, in accordance with such section 4109(a)(2)(C), pay or reimburse each such officer and member under their jurisdiction for all his tuition expenses for such course work. 80 Stat. 436.

(b) Subsection (a) of this section shall take effect on the date of enactment of this Act. Effective dates.

SEC. 118. Except as provided in section 117(b), the effective date of this title and the amendments made by this title shall be the first day of the first pay period beginning on or after May 1, 1972.

SEC. 119. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1972". Citation of title.

TITLE II—POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY ACT AMENDMENTS

SEC. 201. (a) The Policemen and Firemen's Retirement and Disability Act (section 12 of the Act of September 1, 1916, D.C. Code, sec. 4–521 et seq.) is amended as follows: 71 Stat. 391.

(1) Subparagraph (5)(B) of subsection (a) of such Act (D.C. Code, sec. 4–521) is amended by striking out "or" immediately after "residence". 84 Stat. 1136.

(2) Paragraph (5) of subsection (c) of such Act (D.C. Code, sec. 4–523) is amended by adding at the end thereof the following new sentence: "No deposit shall be required for days of unused sick leave credited under subsection (h) of this section.". 71 Stat. 393.

(3) Subsection (h) of such Act (D.C. Code, sec. 4–528) is amended by adding at the end thereof the following new paragraph:

"(4) In computing an annuity under this subsection, the police or fire service of a member who has not retired prior to the effective date of this paragraph shall include, without regard to the limitation imposed by paragraph (3) of this subsection, the days of unused sick

leave credited to him. Days of unused sick leave shall not be counted in determining a member's eligibility for an annuity under this subsection."

Survivor annuities.
84 Stat. 1137.

(4) The first paragraph of subsection (k) of such Act (D.C. Code, sec. 4–531) is amended to read as follows:

"(k) (1) If any member—

"(A) dies in the performance of duty and the Commissioner determines that (i) the member's death was the sole and direct result of a personal injury sustained while performing such duty, (ii) his death was not caused by his willful misconduct or by his intention to bring about his own death, and (iii) intoxication of the member was not the proximate cause of his death; and

"(B) is survived by a survivor, parent, or sibling,

Amount.

a lump sum payment of $50,000 shall be made to his survivor if the survivor received more than one-half of his support from such member or if such member is not survived by any survivor (including a survivor who did not receive more than one-half of his support from such member), to his parent or sibling if the parent or sibling received more than one-half of his support from such member. If such member is survived by more than one survivor entitled to receive such payment, each such survivor shall be entitled to receive an equal share of such payment; or if such member leaves no survivor and more than one parent or sibling who is entitled to receive such payment, each such parent or sibling shall be entitled to receive an equal share of such payment."

Effective dates.

(b) The amendments made by paragraphs (1) and (4) of subsection (a) of this section shall be effective on and after November 1, 1970. The amendments made by paragraphs (2) and (3) of such subsection shall be effective on the first day of the first pay period beginning on or after the date of enactment of this title.

Police department band.
73 Stat. 640.

SEC. 202. (a) Section 3 of the Act of July 11, 1947 (D.C. Code, sec. 4–183a), is amended by striking out "on the effective date of this section".

(b) Section 4 of such Act (D.C. Code, sec. 4–183b) is amended by striking out "on September 22, 1959".

Effective date.

(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

71 Stat. 397.

SEC. 203. (a) Subsection (m) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–533) is amended by inserting "(1)" after "(m)" and by adding at the end thereof the following:

"(2) If a member is retired under subsection (f) or (g) of this section and is employed on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, such member shall, in accordance with such regulations as the Commissioner shall prescribe, notify the Commissioner of the employment; and the Commissioner shall, as soon as practicable after the receipt of such notice, require each such member to undergo a medical examination (satisfactory to the Commissioner) of the disability upon which the member's retirement under such subsection is based."

Ante, p. 634.

Regulations.

(b) The Commissioner of the District of Columbia shall (1) promulgate the regulations required by paragraph (2) of subsection (m) of the Policemen and Firemen's Retirement and Disability Act not later than ninety days after the date of the enactment of this Act, and (2) give timely written notice to each member retired under subsection (f) or (g) of the Policemen and Firemen's Retirement and Disability Act of the promulgation of such regulations.

Effective date.

(c) This section shall take effect on the date of the enactment of this Act.

TITLE III—REVENUE FOR SALARY INCREASES

SEC. 301. (a)(1) Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2602) is amended by striking out "4 per centum" in the matter preceding paragraph (1) and inserting in lieu thereof "5 per centum". 83 Stat. 170.

(2) Paragraphs (2) and (3) of such section 125 are each amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

(3)(A) Paragraph (a) of section 127 of such Act (D.C. Code, sec. 47-2604(a)) is amended by striking out "and other than sales or charges for rooms, lodgings, or accommodations furnished to transients,". 76 Stat. 10.

(B) Paragraph (c) of such section is repealed. Repeal. 68 Stat. 118; 80 Stat. 856.

(C) Paragraphs (a) and (b) of such section are redesignated as paragraphs (1) and (2), respectively.

(b)(1) Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702) is amended by striking out "4 per centum" in the matter preceding paragraph (1) and inserting in lieu thereof "5 per centum". 83 Stat. 172.

(2) Paragraphs (2) and (3) of such section 212 are each amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

(c) The amendments made by this section shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act. Effective date.

Approved August 29, 1972.

Public Law 92-411

AN ACT

August 29, 1972
[S. 3824]

To authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 396(k)(1) of the Communications Act of 1934 is amended to read as follows: Corporation for Public Broadcasting.

"(k)(1) There is authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1973, the sum of $40,000,000." Appropriation authorization. 84 Stat. 888. 47 USC 396.

(b) Section 396(k)(2) of such Act is amended by striking out "1972" and inserting in lieu thereof "1973".

SEC. 2. Section 391 of the Communications Act of 1934 is amended to read as follows: 76 Stat. 65; 83 Stat. 146. 47 USC 391.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1973, such sums, not to exceed $25,000,000 as may be necessary to carry out the purposes of section 390. Sums appropriated under this section shall remain available for payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to July 1, 1974."

Approved August 29, 1972.

Public Law 92-412

August 29, 1972
[S. 3726]

AN ACT

To extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes.

Equal export opportunity; international economic policy.

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

TITLE I—AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1969

Citation of title.

SEC. 101. This title may be cited as the "Equal Export Opportunity Act".

83 Stat. 841.
50 USC app. 2401.

SEC. 102. Section 2(3) of the Export Administration Act of 1969 is amended by inserting before the period at the end thereof a comma and the following: "particularly when export restrictions applied by the United States are more extensive than export restrictions imposed by countries with which the United States has defense treaty commitments".

50 USC app. 2402.

SEC. 103. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(6) It is the policy of the United States that the desirability of subjecting, or continuing to subject, particular articles, materials, or supplies, including technical data or other information, to United States export controls should be subjected to review by and consultation with representatives of appropriate United States Government agencies and qualified experts from private industry."

50 USC app. 2403.

SEC. 104. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraphs:

Export decontrol, investigation.

"(2) The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established under section 5(c), shall undertake an investigation to determine which articles, materials, and supplies, including technical data and other information, should no longer be subject to export controls because of their significance to the national security of the United States. Notwithstanding the provisions of paragraph (1), the President shall remove unilateral export controls on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, except that any such control may remain in effect if the President determines that adequate evidence has been presented to him demonstrating that the absence of such a control would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the special report required by paragraph (4).

Post, p. 645.

"(3) In conducting the investigation referred to in paragraph (2) and in taking the action required under such paragraph, the Secretary of Commerce shall give priority to those controls which apply to articles, materials, and supplies, including technical data and other information, for which there are significant potential export markets.

Report to President and Congress.

"(4) Not later than nine months after the date of enactment of the Equal Export Opportunity Act, the Secretary of Commerce shall submit to the President and to the Congress a special report of actions taken under paragraphs (2) and (3). Such report shall contain—

"(A) a list of any articles, materials, and supplies, including technical data and other information, which are subject under this Act to export controls greater than those imposed by nations with which the United States has defense treaty commitments, and the reasons for such greater controls; and

"(B) a list of any procedures applicable to export licensing in the United States which may be or are claimed to be more burdensome than similar procedures utilized in nations with which the United States has defense treaty commitments, and the reasons for retaining such procedures in their present form.".

(b)(1) Section 4(e) of such Act is amended to read as follows: 83 Stat. 842. 50 USC app. 2403.

"(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils or animal hides or skins, without the approval of the Secretary of Agriculture. The Secretary of Agriculture shall not approve the exercise of such authority with respect to any such commodity during any period for which the supply of such commodity is determined by him to be in excess of the requirements of the domestic economy, except to the extent the President determines that such exercise of authority is required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act." Agricultural commodities, exception.

(2) Any rule, regulation, proclamation, or order issued after July 1, 1972, under section 4 of the Export Administration Act of 1969, exercising any authority conferred by such section with respect to any agricultural commodity, including fats and oils or animal hides or skins, shall cease to be effective upon the date of enactment of this Act. 50 USC app. 2402. Effective date.

SEC. 105. Section 5 of the Export Administration Act of 1969 is amended by adding at the end thereof the following: 50 USC app. 2404.

"(c)(1) Upon written request by representatives of a substantial segment of any industry which produces articles, materials and supplies, including technical data and other information, which are subject to export controls or are being considered for such controls because of their significance to the national security of the United States, the Secretary of Commerce shall appoint a technical advisory committee for any grouping of such articles, materials, and supplies, including technical data and other information, which he determines is difficult to evaluate because of questions concerning technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures. Each such committee shall consist of representatives of United States industry and government. No person serving on any such committee who is representative of industry shall serve on such committee for more than two consecutive years. Technical advisory committees, appointment.

"(2) It shall be the duty and function of the technical advisory committees established under paragraph (1) to advise and assist the Secretary of Commerce and any other department, agency, or official of the Government of the United States to which the President has delegated power, authority, and discretion under section 4(d) with respect to actions designed to carry out the policy set forth in section 3 of this Act. Such committees shall be consulted with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to any articles, materials, or supplies, including technical data or other information, and including those whose export is subject to multilateral controls undertaken with nations with which the United States has defense treaty commitments, for which the committees have expertise. Such committees shall also be consulted and kept fully informed of Duty and function.

progress with respect to the investigation required by section 4(b)(2) of this Act. Nothing in this subsection shall prevent the Secretary from consulting, at any time, with any person representing industry or the general public regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary of Commerce, to present evidence to such committees.

Ante, p. 644.

Expenses, reimbursement.

"(3) Upon request of any member of any such committee, the Secretary may, if he determines it appropriate, reimburse such member for travel, subsistence, and other necessary expenses incurred by him in connection with his duties as a member.

Meetings.

"(4) Each such committee shall elect a chairman, and shall meet at least every three months at the call of the Chairman, unless the Chairman determines, in consultation with the other members of the committee, that such a meeting is not necessary to achieve the purposes of this Act. Each such committee shall be terminated after a period of two years, unless extended by the Secretary for additional periods of two years. The Secretary shall consult each such committee with regard to such termination or extension of that committee."

Committee termination.

Ante, p. 133.

SEC. 106. Section 14 of the Export Administration Act of 1969 is amended by striking out "August 1, 1972" and inserting in lieu thereof "June 30, 1974".

Confidential information.

SEC. 107. Nothing in this title shall be construed to require the release or publication of information which is classified pursuant to Executive order or to affect the confidentiality safeguards provided in section 7(c) of the Export Administration Act of 1969.

83 Stat. 845. 50 USC app. 2406.

SEC. 108. The provisions of this title take effect as of the close of July 31, 1972.

Effective date.

TITLE II—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SHORT TITLE

Citation of title.

SEC. 201. This title may be cited as the "International Economic Policy Act of 1972".

STATEMENT OF PURPOSES

SEC. 202. It is the purpose of this title to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States.

FINDINGS AND POLICY

SEC. 203. The Congress finds that there are many activities undertaken by various departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (1) domestic and foreign economic activity, and (2) in particular, that economic behavior which, taken together, constitutes United States international economic policy. Therefore this Act establishes a Council on International Economic Policy which will provide for—

Council on International Economic Policy, establishment.

(A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole;

(B) consistency between domestic and foreign economic policy; and

(C) close coordination with basic foreign policy objectives.

The Congress intends that the Council shall be provided with the opportunity to (i) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy, and (ii) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

CREATION OF COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SEC. 204. There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to in this title as the "Council").

MEMBERSHIP

SEC. 205. The Council shall be composed of the following members and such additional members as the President may designate:

(1) The President.
(2) The Secretary of State.
(3) The Secretary of the Treasury.
(4) The Secretary of Defense.
(5) The Secretary of Agriculture.
(6) The Secretary of Commerce.
(7) The Secretary of Labor.
(8) The Director of the Office of Management and Budget.
(9) The Chairman of the Council of Economic Advisers.
(10) The Special Representative for Trade Negotiations.

The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place.

DUTIES OF THE COUNCIL

SEC. 206. Subject to the direction of the President, and in addition to performing such other functions as he may direct, the Council shall—

(1) Assist and advise the President in the preparation of the International Economic Report required under section 207.

(2) Review the activities and the policies of the United States Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry.

(3) Collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters. Such evaluations shall include but not be limited to the impact of international trade on the level, stability, and financial rewards for domestic labor and the impact of the transnational corporation on international trade flows.

(4) Consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more con-

sistent international economic policy, and make recommendations to the President in connection therewith.

(5) Continually assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy.

(6) Make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States competitive position in world trade;

(B) achieving equilibrium in international payment accounts of the United States;

(C) increasing exports of goods and services;

(D) protecting and improving the earnings of foreign investments consonant with the concepts of tax equity and the need for domestic investment;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis;

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity; and

(G) preserving the diversified industrial base of the United States.

REPORT

International Economic Report, submittal to Congress.

SEC. 207. (a) The President shall transmit to the Congress an annual report on the international economic position of the United States. Such report (hereinafter referred to as the "International Economic Report") shall be submitted not later than sixty days after the beginning of each regular session of the Congress, and shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States;

(3) a review of the impact of international voluntary standards, the foreign investments of United States based transnational firms, and the level of foreign wage rates on the level, stability, and financial reward for domestic employment; and

(4) a program for carrying out the policy objectives of this title, together with such recommendations for legislation as he may deem necessary or desirable.

Supplementary reports to Congress.

(b) The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in this title.

EXECUTIVE DIRECTOR AND STAFF OF THE COUNCIL

SEC. 208. (a) The staff of the Council shall be headed by an Executive Director who shall be appointed by the President, and he shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313). He shall keep the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking and Currency of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee fully and currently informed regarding the activities of the Council.

83 Stat. 863.
Information to congressional committees.

(b) (1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff personnel as he deems necessary. Except as provided in paragraph (2), the staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid 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.

80 Stat. 378.
5 USC 101 *et seq.*
5 USC 5101, 5331.

(2) With the approval of the Council, the Executive Director may appoint and fix the compensation of one officer at a rate of basic compensation not to exceed the rate provided for level IV of the Federal Executive Salary Schedule, and appoint and fix the compensation of two officers at rates of basic compensation not to exceed the rate provided for level V of the Federal Executive Salary Schedule.

5 USC 5315.
5 USC 5316.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS–18.

80 Stat. 416.
5 USC 5332 note.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

SEC. 209. The provisions of this title shall expire on June 30, 1973, unless extended by legislation enacted by the Congress.

Expiration date.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 210. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated not to exceed $1,400,000 for fiscal year 1973.

Approved August 29, 1972.

Public Law 92-413

AN ACT

August 29, 1972
[H. R. 5814]

To amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2735 of title 10, United States Code, is amended to read as follows:

Armed Forces.
Military claims.
70A Stat. 155.

"§ 2735. Settlement: final and conclusive

"Notwithstanding any other provision of law, the settlement of a claim under section 2733, 2734, 2734a, 2734b, or 2737 of this title is final and conclusive."

Approved August 29, 1972.

Public Law 92-414

August 29, 1972
[H. R. 15474]

AN ACT

To amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia.

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

National Cooley's Anemia Control Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Cooley's Anemia Control Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that Cooley's anemia is a debilitating, inheritable disease that afflicts thousands of American citizens and has been largely neglected;

(2) that efforts to prevent Cooley's anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the trait;

(3) that programs to prevent Cooley's anemia must be based entirely upon the voluntary cooperation of the individuals involved; and

(4) that the attainment of better methods of prevention, diagnosis, and treatment of Cooley's anemia deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia.

COOLEY'S ANEMIA PROGRAMS

Ante, p. 137.

SEC. 3. Title XI of the Public Health Service Act is amended by adding after section 1106 the following:

"PART B—COOLEY'S ANEMIA PROGRAMS

"COOLEY'S ANEMIA SCREENING, TREATMENT, AND COUNSELING, RESEARCH, AND INFORMATION AND EDUCATION PROGRAMS

"SEC. 1111. (a) (1) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities, for projects for the establishment and operation, primarily through other existing health programs, of Cooley's anemia screening, treatment, and counseling programs.

"(2) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals, for projects for research in the diagnosis, treatment, and prevention of Cooley's anemia, including projects for the development of effective and inexpensive tests which will identify those who have the disease or carry the trait.

"(3) The Secretary shall carry out a program to develop information and educational materials relating to Cooley's anemia and to disseminate such information and materials to persons providing health care and to the public generally. The Secretary may carry out such program through grants to public and nonprofit private entities or contracts with public and private entities and individuals.

"(b)(1) For the purpose of making payments pursuant to grants and contracts under subsection (a)(1), there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years. Appropriation.

"(2) For the purpose of making payments pursuant to grants and contracts under subsection (a)(2), there are authorized to be appropriated $1,700,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years.

"(3) For the purpose of carrying out subsection (a)(3), there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years.

"VOLUNTARY PARTICIPATION

"SEC. 1112. The participation by any individual in any program or portion thereof under this part shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

"APPLICATIONS; ADMINISTRATION OF GRANT AND CONTRACT PROGRAMS

"SEC. 1113. (a) A grant under this part may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information, as the Secretary deems necessary. Each application shall—

"(1) provide that the programs and activities for which assistance under this part is sought will be administered by or under the supervision of the applicant;

"(2) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released, or (B) statistical data compiled without reference to the identity of any such patient;

"(3) provide for appropriate community representation in the development and operation of any program funded by a grant under this part;

"(4) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part; and

"(5) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"(b)(1) In making any grant or contract under this title, the Secretary shall (A) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (B) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"(2) The Secretary may make a grant under section 1111(a)(1) for a screening, treatment, and counseling program when he determines that the screening provided by such program will be done through an effective and inexpensive Cooley's anemia screening test.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1114. The Secretary shall establish a program within the Public Health Service to provide for voluntary Cooley's anemia screening, counseling, and treatment. Such program shall utilize effective and inexpensive Cooley's anemia screening tests, shall be made available through facilities of the Public Health Service to any person requesting screening, counseling, or treatment, and shall include appropriate publicity of the availability and voluntary nature of such programs.

"REPORTS

Report to President, transmittal to Congress.

"SEC. 1115. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this part.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

CONFORMING AMENDMENTS TO TITLE XI OF THE PUBLIC HEALTH SERVICE ACT

Ante, p. 137.

SEC. 4. Title XI of the Public Health Service Act is amended—

(1) by striking out

"TITLE XI—SICKLE CELL ANEMIA PROGRAM"

and inserting in lieu thereof

"TITLE XI—GENETIC BLOOD DISORDERS

"PART A—SICKLE CELL ANEMIA PROGRAMS";

(2) by striking out paragraph (3) of section 1101(a); and

(3) by striking out "title" each place it occurs in sections 1103, 1104, and 1106 and inserting in lieu thereof "part".

Approved August 29, 1972.

Public Law 92-415

August 29, 1972
[H. R. 12392]

AN ACT

To amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation.

Court of Claims. Jurisdiction. 68 Stat. 1241; 84 Stat. 449.

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 1491 of title 28, United States Code, is amended by adding thereto the following: "To provide an entire remedy and to complete the relief afforded by the judgment, the court may, as an incident of and collateral to any such judgment, issue orders directing restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records, and such orders may be issued to any appropriate official of the United States. In any case within its jurisdiction, the court shall have the power to remand appropriate matters to any administrative or executive body or official with such direction as it may deem proper and just."

Effective date.

SEC. 2. This Act shall be applicable to all judicial proceedings pending on or instituted after the date of its enactment.

Approved August 29, 1972.

Public Law 92-416

AN ACT

August 29, 1972
[H. R. 755]

To amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, 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 Shipping Act, 1916 (46 U.S.C. 801 et seq.), is amended as follows:

Federal Maritime Commission.
Shipping laws, civil penalties.
39 Stat. 728.
75 Stat. 763; 78 Stat. 148.
46 USC 814.
46 USC 813a.

(a) By deleting that part of the first sentence in the last paragraph of section 15, immediately preceding the proviso, and substituting the following:

"Whoever violates any provision of this section or of section 14b shall be subject to a civil penalty of not more than $1,000 for each day such violation continues:"

49 Stat. 1518.
46 USC 815.

(b) By deleting the last paragraph of section 16 and substituting the following:

"Whoever violates any provision of this section other than paragraphs First and Third hereof shall be subject to a civil penalty of not more than $5,000 for each such violation.

"Whoever violates paragraphs First and Third hereof shall be guilty of a misdemeanor punishable by a fine of not more than $5,000 for each offense."

46 USC 817.

(c) By deleting section 18(b)(6) and substituting the following:

"(6) Whoever violates any provision of this section shall be subject to a civil penalty of not more than $1,000 for each day such violation continues."

46 USC 822.

(d) By amending the first paragraph of section 23 to read as follows:

"Orders of the Commission relating to any violation of this Act or to any violation of any rule or regulation issued pursuant to this Act shall be made only after full hearing, and upon a sworn complaint or in proceedings instituted of its own motion."

46 USC 831.

(e) By deleting section 32 and substituting therefor the following:

"SEC. 32. (a) That whoever violates any provision of sections 14 through 21 and section 44 of this Act, except where a different penalty is provided, shall be subject to a civil penalty not to exceed $5,000 for each such violation.

46 USC 812-820, 841b.

"(b) Whoever violates any provision of any other section of this Act, except where a different penalty is provided, shall be guilty of a misdemeanor, punishable by a fine not to exceed $5,000.

"(c) Whoever violates any order, rule, or regulation of the Federal Maritime Commission made or issued in the exercise of its powers, duties, or functions, shall be subject to a civil penalty of not more than $1,000 for each day such violation continues."

79 Stat. 213.

SEC. 2. The last sentence of section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), is amended to read as follows:

"Whoever violates any provision of this section shall be subject to a civil penalty of not more than $1,000 for each day such violation continues."

Civil penalty, compromise or recovery.

SEC. 3. Any civil penalty provided herein may be compromised by the Federal Maritime Commission, or may be recovered by the United States in a civil action.

Approved August 29, 1972.

Public Law 92-417

August 29, 1972
[H. R. 8549]

AN ACT

To amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes.

Be it enacted by the Senate and the House of Representatives of United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

Armed Forces. Admiralty claims against U.S., settlement. 70A Stat. 271.

(1) The section heading for section 4802 and section 4802(a) are amended to read as follows:

"§ 4802. Admiralty claims against the United States

"(a) The Secretary of the Army may settle or compromise an admiralty claim against the United States for—

"(1) damage caused by a vessel of, or in the service of, the Department of the Army or by other property under the jurisdiction of the Department of the Army;

"(2) compensation for towage and salvage service, including contract salvage, rendered to a vessel of, or in the service of, the Department of the Army or to other property under the jurisdiction of the Department of the Army; or

"(3) damage caused by a maritime tort committed by any agent or employee of the Department of the Army or by property under the jurisdiction of the Department of the Army."

(2) Chapter 451 is amended by striking out the following item in the analysis:

"4802. Damage by United States vessels; towage and salvage of United States vessels."

and inserting the following item in place thereof:

"4802. Admiralty claims against the United States."

Salvage claims.

(3) The text of section 4804 is amended to read as follows:

"(a) The Secretary of the Army may settle, or compromise, and receive payment of a claim by the United States for salvage services performed by the Department of the Army. Amounts received under this section shall be covered into the Treasury.

"(b) In any case where the amount to be received by the United States is not more than $10,000, the Secretary of the Army may delegate his authority under subsection (a) to any person designated by him."

70A Stat. 456.

(4) The text of section 7365 is amended to read as follows: "The Secretary of the Navy, or his designee, may consider, ascertain, adjust, determine, compromise, or settle and receive payment of any claim by the United States for salvage services rendered by the Department of the Navy."

(5) Section 7622(a) is amended to read as follows:

"(a) The Secretary of the Navy may settle, or compromise, and pay in an amount not more than $1,000,000 an admiralty claim against the United States for—

"(1) damage caused by a vessel in the naval service or by other property under the jurisdiction of the Department of the Navy;

"(2) compensation for towage and salvage service, including contract salvage, rendered to a vessel in the naval service or to other property under the jurisdiction of the Department of the Navy; or

"(3) damage caused by a maritime tort committed by any agent or employee of the Department of the Navy or by property under the jurisdiction of the Department of the Navy."

(6) The section heading for section 9802, and section 9802(a) are amended to read as follows: 70A Stat. 592. 10 USC 9802.

"§ 9802. Admiralty claims against the United States

"(a) The Secretary of the Air Force may settle or compromise an admiralty claim against the United States for—

"(1) damage caused by a vessel of, or in the service of, the Department of the Air Force or by other property under the jurisdiction of the Department of the Air Force;

"(2) compensation for towage and salvage service, including contract salvage, rendered to a vessel of, or in the service of, the Department of the Air Force or to other property under the jurisdiction of the Department of the Air Force; or

"(3) damage caused by a maritime tort committed by any agent or employee of the Department of the Air Force or by property under the jurisdiction of the Department of the Air Force.

(7) Chapter 951 is amended by striking out the following item in the analysis:

"9802. Damage by United States vessels; towage and salvage of United States vessels."

and inserting the following item in place thereof:

"9802. Admiralty claims against the United States."

(8) The text of section 9804 is amended to read as follows: Salvage claims.

"(a) The Secretary of the Air Force may settle, or compromise, and receive payment of a claim by the United States for salvage services performed by the Department of the Air Force. Amounts received under this section shall be covered into the Treasury.

"(b) In any case where the amount to be received by the United States is not more than $10,000, the Secretary of the Air Force may delegate his authority under subsection (a) to any person designated by him."

SEC. 2. (a) The section heading for section 646, and section 646, title 14, United States Code, are revised to read as follows: 63 Stat. 548; 74 Stat. 245.

"§ 646. Admiralty claims against the United States

"(a) The Secretary may consider, ascertain, adjust, determine, compromise, or settle, and pay in an amount not more than $100,000, an admiralty claim against the United States for—

"(1) damage caused by a vessel in the Coast Guard service or by other property under the jurisdiction of the Department in which the Coast Guard is operating;

"(2) compensation for towage and salvage services, including contract salvage, rendered to a vessel in the Coast Guard service or to other property under the jurisdiction of the Department in which the Coast Guard is operating; or

"(3) damage caused by a maritime tort committed by an agent or employee of the Department in which the Coast Guard is operating or by property under the jurisdiction of that Department.

"(b) Upon acceptance of payment by the claimant, the settlement or compromise of a claim under this section is final and conclusive notwithstanding any other law.

Certification to Congress.

"(c) If a claim under this section is settled or compromised for more than $100,000, the Secretary shall certify it to Congress."

(b) Chapter 17 of title 14, United States Code, is amended by striking out the following item in the analysis:

"646. Claims for damages occasioned by vessels."

and inserting the following item in place thereof:

"646. Admiralty claims against the United States."

SEC. 3. Section 9 of the Act of March 9, 1920, chapter 9, as amended (41 Stat. 527, as amended; 46 U.S.C. 749) is amended by striking out the words "having control of the possession or operation of any merchant vessel."

Approved August 29, 1972.

Public Law 92-418

August 29, 1972
[H. R. 11185]

AN ACT

To amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes.

Veterans' organizations. Tax exempt status. 68A Stat. 163; 83 Stat. 541. 26 USC 501.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 501(c) of the Internal Revenue Code of 1954 (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

"(19) A post or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization—

"(A) organized in the United States or any of its possessions,

"(B) at least 75 percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans), or are cadets, or are spouses, widows, or widowers of war veterans or such individuals, and

"(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual.".

83 Stat. 537.

(b) Section 512(a) of such Code (relating to definition of unrelated business taxable income) is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULE APPLICABLE TO ORGANIZATIONS DESCRIBED IN SECTION 501(C)(19).—In the case of an organization described in section 501(c)(19), the term 'unrelated business taxable income' does not include any amount attributable to payments for life, sick, accident, or health insurance with respect to members of such organizations or their dependents which is set aside for the purpose of providing for the payment of insurance benefits or for a purpose specified in section 170(c)(4). If an amount set aside under the preceding sentence is used during the taxable year for a purpose other than a purpose described in the preceding sentence, such amount shall be included, under paragraph (1), in unrelated business taxable income for the taxable year."

Supra.

83 Stat. 549.

Effective date.

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

76 Stat. 51.

SEC. 2. (a) Section 165(h) of the Internal Revenue Code of 1954 (relating to disaster losses) is amended by—

(1) striking out the first sentence and inserting in lieu thereof

the following: "Notwithstanding the provisions of subsection (a), any loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act of 1970 may, at the election of the taxpayer, be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred."; and

84 Stat. 1744. 42 USC 4401 note.

(2) inserting before the period in the second sentence a comma and the following: "based on facts existing at the date the taxpayer claims the loss".

(b) Section 6405 of such Code (relating to reports of refunds and credits to the Joint Committee on Internal Revenue Taxation) is amended by adding at the end thereof the following new subsection:

68A Stat. 792. 26 USC 6405.

"(d) REFUNDS ATTRIBUTABLE TO CERTAIN DISASTER LOSSES.—If any refund or credit of income taxes is attributable to the taxpayer's election under section 165(h) to deduct a disaster loss for the taxable year immediately preceding the taxable year in which the disaster occurred, the Secretary or his delegate is authorized in his discretion to make the refund or credit, to the extent attributable to such election, without regard to the provisions of subsection (a) of this section. If such refund or credit is made without regard to subsection (a), there shall thereafter be submitted to such Joint Committee a report containing the matter specified in subsection (a) as soon as the Secretary or his delegate shall determine the correct amount of the tax for the taxable year for which the refund or credit is made."

Ante, p. 656.

Report to congressional committee.

(c) The amendment made by subsection (a) shall apply to disasters occurring after December 31, 1971, in taxable years ending after such date. The amendment made by subsection (b) shall apply with respect to refunds or credits made after July 1, 1972.

Effective dates.

Approved August 29, 1972.

Public Law 92-419

AN ACT

To provide for improving the economy and living conditions in rural America.

August 30, 1972 [H. R. 12931]

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 "Rural Development Act of 1972".

Rural Development Act of 1972.

TITLE I—AMENDMENTS TO THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

SEC. 101. SHORT TITLE.—Section 301(a) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows:

75 Stat. 307. 7 USC 1921 note.

"(a) This title may be cited as the 'Consolidated Farm and Rural Development Act'."

SEC. 102. RURAL ENTERPRISE LOANS.—Section 304 of the Consolidated Farmers Home Administration Act of 1961 is amended by—

75 Stat. 308; 82 Stat. 770. 7 USC 1924.

(1) inserting "(a)" before the first sentence and striking out "(a)" and "(b)" in the first sentence; and

(2) adding at the end of section a new subsection as follows:

"(b) Loans may also be made or insured under this subtitle to residents of rural areas without regard to the requirements of clauses (2) and (3) of section 302 to acquire or establish in rural areas small business enterprises to provide such residents with essential income."

75 Stat. 307; 84 Stat. 1862. 7 USC 1922.

SEC. 103. APPRAISALS.—Section 305 of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out "normal" in the first and second sentences and striking out the last sentence.

7 USC 1925.

SEC. 104. ESSENTIAL RURAL COMMUNITY FACILITIES.—Section 306 (a)(1) of the Consolidated Farmers Home Administration Act of 1961 is amended (1) by inserting after "corporations not operated for profit," the following: "Indian tribes on Federal and State reservations and other federally recognized Indian tribes,"; and (2) by striking out "and recreational developments" and inserting in lieu thereof "recreational developments, and essential community facilities including necessary related equipment".

79 Stat. 931; 84 Stat. 1855. 7 USC 1926.

SEC. 105. GRANTS FOR WATER AND WASTE DISPOSAL SYSTEMS.—Section 306(a)(2) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out "$100,000,000" and inserting in lieu thereof "$300,000,000".

82 Stat. 770.

SEC. 106. PLANNING REQUIREMENTS.—The first sentence of section 306(a)(3) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows: "No grant shall be made under paragraph (2) of this subsection in connection with any project unless the Secretary determines that the project (i) will serve a rural area which, if such project is carried out, is not likely to decline in population below that for which the project was designed, (ii) is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area, and (iii) is necessary for an orderly community development consistent with a comprehensive community water, waste disposal, or other development plan of the rural area and not inconsistent with any planned development provided in any State, multijurisdictional, county, or municipal plan approved by competent authority for the area in which the rural community is located. and the Secretary shall require the submission of all applications for financial assistance under this section to the multijurisdictional substate areawide general purpose planning and development agency that has been officially designated as a clearinghouse agency under Office of Management and Budget Circular A–95 and to the county or municipal government having jurisdiction over the area in which the proposed project is to be located for review and comment within a designated period of time not to exceed 30 days concerning among other considerations, the effect of the project upon the areawide goals and plans of such agency or government. No loan under this section shall be made that is inconsistent with any multijurisdictional planning and development district areawide plan of such agency. The Secretary is authorized to reimburse such agency or government for the cost of making the required review."

SEC. 107. EXTENSION.—In the second sentence of section 306(a)(3) of the Consolidated Farmers Home Administration Act of 1961 strike out "1971" and insert "1973". 79 Stat. 931; 82 Stat. 770. 7 USC 1926.

SEC. 108. WATER AND WASTE DISPOSAL PLANNING GRANTS.—Paragraph (6) of section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) striking out "$15,000,000" and inserting in lieu thereof "$30,000,000";

(2) striking out "official"; and

(3) striking out "sewer" and inserting in lieu thereof "waste disposal".

SEC. 109. DEFINITIONS.—Section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows:

"(7) As used in this title, the terms 'rural' and 'rural area' shall not include any area in any city or town which has a population in excess of ten thousand inhabitants, except that for purposes of loans and grants for private business enterprises under sections 304(b), 310B, and 312 (b), (c), and (d) the terms 'rural' and 'rural area' may include all territory of a State, the Commonwealth of Puerto Rico and the Virgin Islands, that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than one hundred persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States: *Provided*, That special consideration for such loans and grants shall be given to areas other than cities having a population of more than twenty-five thousand.

Ante, p. 657.

Post, pp. 663, 665.

SEC. 110. REPEAL OF MAXIMUM SIZE LOAN.—Section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out paragraph (5).

SEC. 111. RURAL DEVELOPMENT PLANNING GRANTS.—Section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof a new paragraph as follows:

"(11) The Secretary may make grants, not to exceed $10,000,000 annually, to public bodies or such other agencies as he may select to prepare comprehensive plans for rural development or such aspects of rural development as he may specify."

SEC. 112. PRIORITY FOR CERTAIN WATER FACILITY AND WASTE DISPOSAL LOANS AND GRANTS.—Section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof the following:

"(12) In the making of loans and grants for community waste disposal and water facilities under paragraphs (1) and (2) of this subsection the Secretary shall accord highest priority to the application of any municipality or other public agency (including an Indian tribe on a Federal or State reservation or other federally recognized Indian tribal group) in a rural community having a population not in excess of five thousand five hundred and which, in the case of water facility

loans, has a community water supply system, where the Secretary determines that due to unanticipated diminution or deterioration of its water supply, immediate action is needed, or in the case of waste disposal, has a community waste disposal system, where the Secretary determines that due to unanticipated occurrences the system is not adequate to the needs of the community. The Secretary shall utilize the Soil Conservation Service in rendering technical assistance to applicants under this paragraph to the extent he deems appropriate."

SEC. 113. INTEREST RATES ON RURAL DEVELOPMENT LOANS.—Section 307(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting before the period at the end of the second sentence thereof the following: "; except that loans (other than loans to public bodies or nonprofit associations (including Indian tribes on Federal and State reservations and other federally recognized Indian tribal groups) for community facilities, or loans of a type authorized by section 306(a)(1) prior to its amendment by the Rural Development Act of 1972) made or insured under section 304(b), 306(a)(1), or 310B shall—

75 Stat. 308.
7 USC 1927.

Ante, pp. 657, 658.
Post, p. 663.

(1) when made other than as guaranteed loans, bear interest at a rate, prescribed by the Secretary, not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States comparable to the average maturities of such loans, adjusted in the judgment of the Secretary of the Treasury to provide for a rate comparable to the rates prevailing in the private market for similar loans and considering the Secretary's insurance of the loans, plus an additional charge, prescribed by the Secretary, to cover the Secretary's losses and cost of administration, which charge shall be deposited in the Rural Development Insurance Fund: *Provided*, That the rate so prescribed shall be adjusted to the nearest one-eighth of 1 per centum; and

(2) when made as guaranteed loans, bear interest at such rate as may be agreed upon by the borrower and the lender".

SEC. 114. ESCROW PAYMENTS.—Section 307(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting before the period at the end the following: ", and borrowers under this title shall prepay to the Secretary as escrow agent such taxes and insurance as he may require, on such terms and conditions as he may prescribe".

Supra.

SEC. 115. AGRICULTURAL CREDIT INSURANCE FUND AMENDMENTS.—(a) Section 309(f) of the Consolidated Farmers Home Administration Act of 1961 is amended by—

75 Stat. 309; 82 Stat. 771.
7 USC 1929.

(1) changing "$100,000,000" to "$500,000,000" in paragraph (1);

(2) changing paragraph (2) by—

(A) striking out "the interest" and inserting in lieu thereof "amounts";

(B) changing "prepayments" to "payments" in all three places; and

(C) inserting after "until due" the following: "or until the next agreed annual or semiannual remittance date".

(3) striking out "section 335(a) in connection with insured loans." in paragraph (5) and inserting in lieu thereof "connection with insured loans, including the difference between interest payable by borrowers and interest to which insured lenders or insured holders are entitled under agreements with the Secretary included in contracts of insurance.".

(4) inserting in paragraph (5) after "to pay" the following: "for contract services,".

(b) Section 309 of such Act is amended by adding at the end thereof the following new subsections:

Ante, p. 660.

"(g)(1) The assets and liabilities of, and authorizations applicable to, the Farmers Home Administration direct loan account created by section 338(c) and the Emergency Credit Revolving Fund referred to in section 326 are hereby transferred to the fund, and such account and such revolving fund are hereby abolished. Such assets and their proceeds, including loans made out of the fund pursuant to this section, shall be subject to the provisions of this section, section 308, the last sentence of section 306(a)(1), and the last sentence of section 307.

Transfer of funds.
80 Stat. 167.
7 USC 1988.
7 USC 1966.
7 USC 1928.
7 USC 1926, 1927.

"(2) From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the value as determined by the Secretary, with the approval of the Comptroller General, of the Government's equity transferred to the fund pursuant to the first sentence of this subsection plus the cumulative amount of appropriations made available after enactment of this provision as capital and for administration of the programs financed from the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of loans made or insured from the fund, adjusted to the nearest one-eighth of 1 per centum. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the fund exceed present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

"(h) The Secretary may provide financial assistance to borrowers for purposes provided in this title by guaranteeing loans made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, or other legally organized lending agency."

Guaranteed loans.

SEC. 116. RURAL DEVELOPMENT INSURANCE FUND.—The Consolidated Farmers Home Administration Act of 1961 is amended by inserting the following new section after section 309:

Supra.

"SEC. 309A. (a) There is hereby created the Rural Development Insurance Fund (hereinafter in this section referred to as the 'Insurance Fund') which shall be used by the Secretary as a revolving fund for the discharge of the obligations of the Secretary under contracts guaranteeing or insuring rural development loans. For the purpose of this section 'rural development loans' shall be those provided for by sections 304(b), 306(a)(1), 310B, and 312(b), except loans (other than for water systems and waste disposal facilities) of a type authorized by section 306(a)(1) prior to its amendment by the Rural Development Act of 1972.

"Rural development loans."
Ante, p. 658.
Post, pp. 663, 665.

"(b) The assets and liabilities of the Agricultural Credit Insurance Fund referred to in section 309(a) applicable to loans for water systems and waste disposal facilities under section 306(a)(1) are hereby transferred to the Insurance Fund. Such assets (including the proceeds thereof) and liabilities and rural development loans guaranteed or insured pursuant to this title shall be subject to the provisions of this section and section 308.

Transfer of funds.
7 USC 1929.

"(c) Moneys in the Insurance Fund not needed for current operations shall be deposited in the Treasury of the United States to the credit of the Insurance Fund or invested in direct obligations of the United States or obligations guaranteed by the United States. The Secretary may purchase with money in the Insurance Fund any notes issued by the Secretary to the Secretary of the Treasury for the purpose of obtaining money for the Insurance Fund.

Notes, purchasing authority.

Notes, issuing authority.

"(d) The Secretary is authorized to make and issue notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations under this section and for making loans, advances, and authorized expenditures out of the Insurance Fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yield of outstanding marketable obligations of the United States having maturities comparable to the average maturities of rural development loans made, guaranteed, or insured under this title. The Secretary of the Treasury is authorized and directed to purchase any notes of the Secretary issued hereunder, and, for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Secretary hereunder. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

40 Stat. 288; 85 Stat. 5. 31 USC 774.

"(e) Notes and security acquired by the Secretary in connection with rural development loans made, guaranteed, or insured under this title or transferred by subsection (b) of this section shall become a part of the Insurance Fund. Notes may be held in the Insurance Fund and collected in accordance with their terms or may be sold by the Secretary with or without agreements for insurance thereof at the balance due thereon, or on such other basis as the Secretary may determine from time to time. All net proceeds from such collections, including sales of notes or property, shall be deposited in and become a part of the Insurance Fund.

Loan service charges.

"(f) The Secretary shall deposit in the Insurance Fund any charges collected for loan services provided by the Secretary as well as charges assessed for losses and costs of administration in connection with making, guaranteeing, or insuring rural development loans under this title.

Use of funds.

"(g) The Secretary may utilize the Insurance Fund—

"(1) to make rural development loans which could be insured under this title whenever he has a reasonable assurance that they can be sold without undue delay, and he may sell and insure such loans;

"(2) to pay amounts to which the holder of insured notes is entitled on loans heretofore or hereafter insured accruing between the date of any payments by the borrower and the date of transmittal of any such payments to the holder. In the discretion of the Secretary, payments other than final payments need not be remitted to the holder until due or until the next agreed annual or semiannual remittance date;

"(3) to pay to the holder of insured notes any defaulted installment, or upon assignment of the note to the Secretary at the Secretary's request, the entire balance due on the loan;

"(4) to purchase notes in accordance with contracts of insurance heretofore or hereafter entered into by the Secretary;

"(5) to make payments in compliance with the Secretary's obligations under contracts of guarantee entered into by him;

"(6) to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections or necessary to obtain credit reports on applicants or borrowers, expenses for necessary services, including construction inspections, commercial appraisals, loan servicing, consulting business advisory or other commercial and

technical services, and other program services, and other expenses and advances authorized in section 335(a) of this title in connection with insured loans. Such items may be paid in connection with guaranteed loans after or in connection with acquisition by the Secretary of such loans or security therefor after default, to an extent determined by the Secretary to be necessary to protect the interest of the Government, or in connection with grants and any other activity authorized in this title; 75 Stat. 315. 7 USC 1985.

"(7) to pay the difference between interest payments by borrowers and interest to which holders of insured notes are entitled under contracts of insurance heretofore or hereafter entered into by the Secretary; and

"(8) to pay the Secretary's costs of administration of the rural development loan program, including costs of the Secretary incidental to guaranteeing rural development loans under this title.

"(h) When any loan is sold out of the Insurance Fund as an insured loan, the interest or other income thereon paid to an insured holder shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954." 68A Stat. 5. 26 USC 1.

SEC. 117. INSURED WATERSHED AND RESOURCE CONSERVATION AND DEVELOPMENT LOANS.—Subtitle A of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end a new section as follows: 75 Stat. 307. 7 USC 1922.

"SEC. 310A. Loans meeting the requirements of the Watershed Protection and Flood Prevention Act or title III of the Bankhead-Jones Farm Tenant Act may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309, the last sentence of section 306(a)(1), and the last sentence of section 307 of this title." 16 USC 1001 note. 7 USC 1010. 7 USC 1928, 1929, 1926, 1927.

SEC. 118. RURAL INDUSTRIALIZATION ASSISTANCE.—(a) Subtitle A of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof, after section 310A as added by this Act, a new section as follows:

"SEC. 310B. (a) The Secretary may also make and insure loans to public, private, or cooperative organizations organized for profit or nonprofit, to Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, or to individuals for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural communities, including pollution abatement and control. Such loans, when originated, held, and serviced by other lenders, may be guaranteed by the Secretary under this section without regard to subsections (a) and (c) of section 333. *Post*, p. 666.

"(b) The Secretary may make grants, not to exceed $50,000,000 annually, to eligible applicants under this section for pollution abatement and control projects in rural areas. No such grant shall exceed 50 per centum of the development cost of such a project. Pollution abatement projects, grants.

"(c) The Secretary may also make grants, not to exceed $50,000,000 annually, to public bodies for measures designed to facilitate development of private business enterprises, including the development, construction or acquisition of land, buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refinancing, services and fees. Private business enterprises, development grants.

"(d) The Secretary may participate in joint financing to facilitate development of private business enterprises in rural areas with the Economic Development Administration, the Small Business Administration, and the Department of Housing and Urban Development and other Federal and State agencies and with private and quasi-public financial institutions, through joint loans to applicants eligible under subsection (a) for the purpose of improving, developing, or financing

business, industry, and employment and improving the economic and environmental climate in rural areas or through joint grants to applicants eligible under subsection (c) for such purposes, including in the case of loans or grants the development, construction, or acquisition of land, buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refining, service and fees.

Restrictions.
Ante, pp. 657, 663; *Post*, p. 665.

(1) No financial or other assistance shall be extended under any provision of sections 304(b), 310B, and 312(b) that is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant, but this limitation shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations unless there is reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(2) No financial or other assistance shall be extended under any provision of sections 304(b), 310B, and 312(b) which is calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

(3) No financial or other assistance shall be extended under any provision of sections 304(b), 310B, and 312(b) if the Secretary of Labor certifies within 60 days after the matter has been submitted to him by the Secretary of Agriculture that the provisions of paragraph (1) and (2) of this subsection have not been complied with. The Secretary of Labor shall, in cooperation with the Secretary of Agriculture, develop a system of certification which will insure the expeditious processing of requests for assistance under this section."

75 Stat. 314. 7 USC 1983.

(b) Section 333 of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting "310B," in paragraph (b) after "306,".

7 USC 1922.

SEC. 119. GUARANTEED RURAL HOUSING LOANS.—Subtitle A of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof a new section as follows:

79 Stat. 498. 42 USC 1487.

"SEC. 310C. (a) Rural Housing Loans which (1) are guaranteed by the Secretary under section 517(a)(2) of the Housing Act of 1949, (2) are made by other lenders approved by the Secretary to provide dwellings in rural areas for the applicants' own use, and (3) bear interest and other charges at rates not above the maximum rates prescribed by the Secretary of Housing and Urban Development for loans made by private lenders for similar purposes and guaranteed by the Secretary of Housing and Urban Development under the National Housing Act or superseding legislation shall not be subject to sections 501(c) and 502(b)(3) of the Housing Act of 1949."

48 Stat. 1246. 12 USC 1701.

63 Stat. 432, 433. 42 USC 1471, 1472. 42 USC 1471.

"(b) For the purposes of title V of the Housing Act of 1949, as amended, a guarantee of payment given under the color of law by the Department of Hawaiian Home Lands (or its successor in function) shall be found by the Secretary reasonably to assure repayment of any indebtedness so guaranteed."

SEC. 120. YOUNG FARMERS' LOANS.—(a) Section 311 of the Consolidated Farmers Home Administration Act of 1961 is amended by— 75 Stat. 310. 7 USC 1941.

(1) inserting "(a)" before the first word; and

(2) adding at the end of the section a new subsection as follows:

"(b)(1) Loans may also be made under this subtitle without regard to the requirements of clauses (2) and (3) of subsection (a) to youths who are rural residents to enable them to operate enterprises in connection with their participation in 4-H Clubs, Future Farmers of America, and similar organizations and for the purposes specified in section 312. 82 Stat. 771. 7 USC 1942.

"(2) A person receiving a loan under this subsection who executes a promissory note therefor shall thereby incur full personal liability for the indebtedness evidenced by such note in accordance with its terms free of any disability of minority. Liability.

"(3) For loans under this subsection the Secretary may accept the personal liability of a cosigner of the promissory note in addition to the borrowers' personal liability."

(b) Section 312 of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting "(a)" after "311".

SEC. 121. RURAL ENTERPRISE OPERATING LOANS.—Section 312 of the Consolidated Farmers Home Administration Act of 1961, as amended by this title, is amended by—

(1) inserting "(a)" before the first word; and

(2) further amending subsection (a) (as so designated by paragraph (1)) by striking out "and (9) for loan closing costs." and by inserting in lieu thereof the following: "(9) loan closing costs, and (10) for assisting farmers or ranchers in effecting additions to or alterations in the equipment, facilities, or methods of operation of their farms or ranches in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Secretary determines that any such farmer or rancher is likely to suffer substantial economic injury due to such compliance without assistance under this paragraph." 84 Stat. 1593. 29 USC 655. 29 USC 667.

(3) adding at the end of the section new subsections as follows:

"(b) Loans may also be made under this subtitle to residents of rural areas without regard to the requirements of clauses (2) and (3) of section 311(a) to operate in rural areas small business enterprises to provide such residents with essential income. *Supra.*

"(c) Loans may also be made to eligible applicants under this subtitle for pollution abatement and control projects in rural areas. Pollution abatement.

"(d) The Secretary may make grants, not to exceed $25,000,000 annually, to eligible applicants under this subtitle for pollution abatement and control projects in rural areas. No such grant shall exceed 50 per centum of the development cost of such a project."

SEC. 122. MAXIMUM SIZE.—Section 313 of the Consolidated Farmers Home Administration Act of 1961 is amended by changing "$35,000" to "$50,000". 75 Stat. 310. 7 USC 1943.

SEC. 123. INSURED OPERATING LOANS.—Subtitle B of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof a new section as follows: 7 USC 1941.

"SEC. 317. Loans meeting the requirements of this subtitle (except section 312(b)) may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309 and the last sentence of section 307 of this title." *Supra.* 7 USC 1928.

SEC. 124. AMENDMENTS TO SECTION 331.—Section 331 of the Consolidated Farmers Home Administration Act of 1961, is amended— *Ante*, pp. 660, 661. 7 USC 1927. 7 USC 1981.

(1) by inserting before the semicolon, in paragraph (a), the

following: ", and until January 1, 1975, make contracts for services incident to making, insuring, collecting, and servicing loans and property as determined by the Secretary to be necessary for carrying out the purposes of this title; (and the Secretary shall prior to June 30, 1974, report to the Congress through the President on the experience in using such contracts, together with recommendations for such legislation as he may see fit)"; and

Report to President, transmittal to Congress.

(2) by changing the period at the end of any lettered paragraph thereof to a semicolon and adding at the end of such section the following additional paragraphs:

Fidelity bonds.

"(g) Obtain fidelity bonds protecting the Government against fraud and dishonesty of officers and employees of the Farmers Home Administration in lieu of faithful performance of duties bonds under section 14, title 6, United States Code, and regulations issued pursuant thereto, but otherwise in accordance with the provisions thereof;

Ante, p. 202.

Interest payments.

"(h) Not require borrowers to pay interest accrued after December 31, 1972, on interest which is not more than 90 days overdue on any loan held or insured by the Farmers Home Administration;

"(i) Consent to the transfer of property securing any loan or financed by any loan or grant made, insured, or held by the Secretary under this title, or the provisions of any other law administered by the Farmers Home Administration, upon such terms as he deems necessary to carry out the purpose of the loan or grant or to protect the financial interest of the Government."

SEC. 125. CREDIT ELSEWHERE DETERMINATION.—Paragraph (a) of section 333 is amended by inserting after "in writing" the following: ", and the Secretary shall determine,".

75 Stat. 314.
7 USC 1983.

SEC. 126. REPEAL OF COUNTY COMMITTEE APPROVAL REQUIREMENT FOR ASSOCIATION AND DISTRICT LOANS.—Section 333(b) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out the words "said sections" and inserting "section 321(b)(2)".

7 USC 1961.

SEC. 127. DISPOSITION OF REAL PROPERTY.—Section 335(c) of the Consolidated Farmers Home Administration Act of 1961 is amended by—

7 USC 1985.

(1) striking out "subtitle A" in the first sentence and inserting in lieu thereof "the provisions of any law administered by the Farmers Home Administration";

(2) striking out "the provisions of subtitle A" in the second sentence and inserting in lieu thereof "such provisions";

(3) striking out in the fourth sentence "of at least 20 per centum" and "not more than five annual"; and

(4) adding at the end of the fourth sentence before the period the following: ", but not in any event at rates and terms more favorable than those legally permissible for eligible borrowers".

Definitions.

SEC. 128. (a) GUARANTEE OF LOANS.—Section 343 of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting at the end thereof before the period the following: ", and (4) the word 'insure' as used in this title includes guarantee, which means to guarantee the payment of a loan originated, held, and serviced by a private financial agency or other lender approved by the Secretary, and (5) the term 'contract of insurance' includes a contract of guarantee".

76 Stat. 632; 80 Stat. 809.
7 USC 1991.

(b) Section 307(b) of the Consolidated Farmers Home Administration Act of 1961 is amended by changing "shall" to "may" in the second sentence.

75 Stat. 308.
7 USC 1927.

SEC. 129. ORDER OF PREFERENCE, EXTENT OF GUARANTY.—The Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof the following new section:

7 USC 1921 note.

"SEC. 344. No loan (other than one to a public body or nonprofit association (including Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups) for community facilities or one of a type authorized by section 306(a)(1) prior to its amendment by the Rural Development Act of 1972) shall be made by the Secretary either for sale as an insured loan or otherwise under section 304(b), 306(a)(1), 310B, 312(b), or 312(c) unless the Secretary shall have determined that no other lender is willing to make such loan and assume 10 per centum of any loss sustained thereon. No contract guaranteeing any such loan by such other lender shall require the Secretary to participate in more than 90 per centum of any loss sustained thereon." Loan limitations. 79 Stat. 931; 84 Stat. 1855. 7 USC 1926. *Ante*, pp. 657, 658, 663, 665.

TITLE II—AMENDMENTS TO THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED

SEC. 201. AMENDMENTS TO PUBLIC LAW 83-566.—The Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended as follows: 16 USC 1001 note.

(a) Section 1 is amended by striking out the words "the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water, and thereby of preserving and protecting the Nation's land and water resources" and substituting therefor the words "the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environment."

(b) Section 2 is amended by substituting a comma for the word "or" after clause (1) and adding after the phrase "(2) the conservation, development, utilization, and disposal of water" a comma and the following: "or 70 Stat. 1088. 16 USC 1002.

"(3) the conservation and proper utilization of land".

(c) Section 3 is amended by changing the period at the end of paragraph (5) to a semicolon and adding the following: 16 USC 1003.

"(6) to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years, providing for changes in cropping systems and land uses and for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife, and recreation resources of lands within the area included in plans for works of improvement, as provided for in such plans, including watershed or subwatershed work plans in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented. Applications for assistance in developing such conservation plans shall be made in writing to the soil and water conservation district involved, and the proposed agreement shall be reviewed by such district. In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, Conservation projects, long-term agreements. Applications. Federal cost sharing.

except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs. The Secretary may terminate any agreement with a landowner, operator, or occupier by mutual agreement if the Secretary determines that such termination would be in the public interest, and may agree to such modifications of agreements, previously entered into hereunder, as he deems desirable to carry out the purposes of this paragraph or to facilitate the practical administration of the agreements provided for herein. Notwithstanding any other provision of law, the Secretary, to the extent he deems it desirable to carry out the purposes of this paragraph, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of any crop; or (2) surrender of any such history and allotments."

74 Stat. 254; 76 Stat. 608. 16 USC 1004.

(d) Paragraph (1) of section 4 is amended by inserting after "without cost to the Federal Government" the words "from funds appropriated for the purposes of this act".

(e) Clause A of paragraph (2) of section 4 is amended by striking all words after "fish and wildlife" and substituting therefor the words "development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land: *Provided*, That works of improvement for water quality management shall consist primarily of water storage capacity in reservoirs for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source, and shall be consistent with standards and regulations adopted by the Water Resources Council on Federal cost sharing for water quality management, and".

Water quality management.

Water storage, cost sharing.

(f) All that part of clause (B) of paragraph (2) of section 4 which follows the word "*Provided*," where it first appears therein is amended to read as follows: "That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8, the Secretary may pay for any storage of water for present or anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this Act as hereinafter provided: *Provided further*, That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the local organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of the cost of such storage: *Provided further*, That the Secretary shall determine prior to initiation of construction or modification of any reservoir structure including such water supply storage that there are adequate assurances by the local organization or by an agency of the State having authority to give such assurances, that the Secretary will be reimbursed the cost of water supply storage for anticipated future demands, and that the local organization will pay not less than 50 per centum of the cost of storage for present water supply demands: *And provided further*, That the cost to be borne by the local organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands, except that (1) no reimbursement of the cost of such water supply storage for anticipated future demands need be made until such supply is first used, and (2) no interest shall be charged on the cost of such water-supply storage

70 Stat. 1090; 74 Stat. 131. 16 USC 1006a.

Limitation.

Reimbursement.

for anticipated future demands until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8."

70 Stat. 1090; 74 Stat. 131. 16 USC 1006a. Plans, submittal to Federal agencies, President and Congress. 76 Stat. 609. 16 USC 1005.

(g) Subsection (4) of section 5 is amended to read as follows: "(4) Any plans for works of improvement involving an estimated Federal contribution to construction costs in excess of $250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation or irrigation, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for goodwater detention structures, (c) which includes features which may affect the public health, or (d) which includes measures for control or abatement of water pollution, shall be submitted to the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, or the Administrator of the Environmental Protection Agency, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President."

TITLE III—AMENDMENTS TO THE BANKHEAD-JONES FARM TENANT ACT, AS AMENDED

SEC. 301. BANKHEAD-JONES FARM TENANT ACT AMENDMENTS.—Section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011), is amended by adding at the end thereof the following:

76 Stat. 607; 84 Stat. 439.

"The Secretary shall also be authorized in providing assistance for carrying out plans developed under this title:

Water storage, Federal assistance.

"(1) To provide technical and other assistance, and to pay for any storage of water for present or anticipated future demands or needs for rural community water supply included in any reservoir structure constructed or modified pursuant to such plans: *Provided*, That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the public agency or local nonprofit organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment of the cost of such water supply storage within the life of the reservoir structure: *Provided further*, That the public agency or local nonprofit organization prior to initiation or construction or modification of any reservoir structure including water supply storage, make provision satisfactory to the Secretary to pay for not less than 50 per centum of the cost of storage for present water supply demands, and all of the cost of storage for anticipated future demands: *And provided further*, That the cost to be borne by the public agency or local nonprofit organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands except that (1) no payment on account of such cost need be made until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest

Limitation.

on the unpaid balance shall be the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the advancement for such water supply is first made, which are neither due nor callable for redemption for fifteen years from date of issue;

Other Federal assistance.

"(2) To provide, for the benefit of rural communities, technical and other assistance and such proportionate share of the costs of installing measures and facilities for water quality management, for the control and abatement of agriculture-related pollution, for the disposal of solid wastes, and for the storage of water in reservoirs, farm ponds, or other impoundments, together with necessary water withdrawal appurtenances, for rural fire protection, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs."

SEC. 302. SOIL, WATER AND RELATED RESOURCE DATA.—In recognition of the increasing need for soil, water, and related resource data for land conservation, use, and development, for guidance of community development for a balanced rural-urban growth, for identification of prime agriculture producing areas that should be protected, and for use in protecting the quality of the environment, the Secretary of Agriculture is directed to carry out a land inventory and monitoring program to include, but not be limited to, studies and surveys of erosion and sediment damages, flood plain identification and utilization, land use changes and trends, and degradation of the environment resulting from improper use of soil, water, and related resources. The Secretary shall issue at not less than five-year intervals a land inventory report reflecting soil, water, and related resource conditions.

Report.

TITLE IV—RURAL COMMUNITY FIRE PROTECTION

SEC. 401. WILDFIRE PROTECTION ASSISTANCE.—In order to shield human and natural resources, financial investments, and environmental quality from losses due to wildfires in unprotected or poorly protected rural areas there is a need to strengthen and synergize Federal, State, and local efforts to establish an adequate protection capability wherever the lives and property of Americans are endangered by wildfire in rural communities and areas. The Congress hereby finds that inadequate fire protection and the resultant threat of substantial losses of life and property is a significant deterrent to the investment of the labor and capital needed to help revitalize rural America, and that well-organized, equipped, and trained firefighting forces are needed in many rural areas to encourage and safeguard public and private investments in the improvement and development of areas of rural America where organized protection against losses from wildfire is lacking or inadequate. To this end, the Secretary of Agriculture is authorized and directed to provide financial, technical, and other assistance to State foresters or other appropriate officials of the several States in cooperative efforts to organize, train, and equip local forces, including those of Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups to prevent, control, and suppress wildfires threatening human life, livestock, wildlife, crops, pastures, orchards, rangeland, woodland, farmsteads, or other improvements, and other values in rural areas as defined in section 306(a)(7) of the Consolidated Farm and Rural Development Act.

Ante, p. 659.

Cooperative agreements with State officials.

SEC. 402. MATCHING.—The Secretary shall carry out this title in accordance with cooperative agreements, made with appropriate State officials, which include such terms and conditions as the Secretary deems necessary to achieve the purposes of this title. No such agreement shall provide for financial assistance by the Secretary under

this title in any State during any fiscal year in excess of 50 per centum of the total budgeted expenditures or the actual expenditures, whichever is less, of the undertaking of such agreement for such year, including any expenditures of local public and private nonprofit organizations, including Indian tribal groups, participating in the activities covered by the agreement. Payments by the Secretary under any such agreement may be made on the certificate of the appropriate State official that the expenditures provided for under such agreement have been made.

SEC. 403. REPORT.—The Secretary of Agriculture shall submit to the President within two years after the date of enactment of this title a written report detailing the contribution of the rural fire protection program toward achieving the purposes of this title. The Secretary shall also include in such report such recommendations regarding the rural fire protection program as he deems appropriate. The President shall transmit the report to the Congress for review and appropriate action.

Report to President, transmittal to Congress.

SEC. 404. APPROPRIATIONS.—There is authorized to be appropriated to carry out the provisions of this title $7,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975.

TITLE V—RURAL DEVELOPMENT AND SMALL FARM RESEARCH AND EDUCATION

SEC. 501. PURPOSES.—The purpose of this title is to encourage and foster a balanced national development that provides opportunities for increased numbers of Americans to work and enjoy a high quality of life dispersed throughout our Nation by providing the essential knowledge necessary for successful programs of rural development. It is further the purpose of this title—

(a) to provide multistate regional agencies, States, counties, cities, multicounty planning and development of districts, businesses, industries, organizations, Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, and others involved with public services and investments in rural areas or that provide or may provide employment in these areas the best available scientific, technical, economic, organizational, environmental, and management information and knowledge useful to them, and to assist and encourage them in the interpretation and application of this information to practical problems and needs in rural development;

(b) to provide research and investigations in all fields that have as their purpose the development of useful knowledge and information to assist those planning, carrying out, managing, or investing in facilities, services, businesses, or other enterprises, public and private, that may contribute to rural development;

(c) to enhance the capabilities of colleges and universities to perform the vital public service roles of research, transfer, and practical application of knowledge in support of rural development;

(d) to expand research on innovative approaches to small farm management and technology and extend training and technical assistance to small farmers so that they may fully utilize the best available knowledge on sound economic approaches to small farm operations.

SEC. 502. PROGRAMS AUTHORIZED.—The Secretary of Agriculture (hereafter referred to as the "Secretary") is directed and authorized to conduct in cooperation and in coordination with colleges and universities the following programs to carry out the purposes of this title.

(a) RURAL DEVELOPMENT EXTENSION PROGRAMS.—Rural development extension programs shall consist of the collection, interpretation, and dissemination of useful information and knowledge from research and other sources to units of multistate regional agencies, State, county, municipal, and other units of government, multicounty planning and development districts, organizations of citizens contributing to rural development, business, Indian tribes on Federal or State reservations or other federally recognized Indian tribal groups, or industries that employ or may employ people in rural areas. These programs also shall include technical services and educational activity, including instruction for persons not enrolled as students in colleges or universities, to facilitate and encourage the use and practical application of this information. These programs also may include feasibility studies and planning assistance.

(b) RURAL DEVELOPMENT RESEARCH.—Rural development research shall consist of research, investigations, and basic feasibility studies in any field or discipline which may develop principles, facts, scientific and technical knowledge, new technology, and other information that may be useful to agencies of Federal, State, and local government, industries in rural areas, Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, and other organizations involved in rural development programs and activities in planning and carrying out such programs and activities or otherwise be practical and useful in achieving increased rural development.

(c) SMALL FARM EXTENSION, RESEARCH, AND DEVELOPMENT PROGRAMS.—Small farm extension and research and development programs shall consist of extension and research programs with respect to new approaches for small farms in management, agricultural production techniques, farm machinery technology, new products, cooperative agricultural marketing, and distribution suitable to the economic development of family size farm operations.

SEC. 503. APPROPRIATION AND ALLOCATION OF FUNDS.—(a) There is hereby authorized to be appropriated to carry out the purposes of this title not to exceed $10,000,000 for the fiscal year ending June 30, 1974, not to exceed $15,000,000 for the fiscal year ending June 30, 1975, and not to exceed $20,000,000 for the fiscal year ending June 30, 1976.

(b) Such sums as the Congress shall appropriate to carry out the purposes of this title pursuant to subsection (a) shall be distributed by the Secretary as follows:

(1) 4 per centum to be used by the Secretary for Federal administration, national coordination, and program assistance to the States;

(2) 10 per centum to be allocated by the Secretary to States to finance work serving two or more States in which universities in two or more States cooperate or which is conducted by one university to serve two or more States;

(3) 20 per centum shall be allocated equally among the States;

(4) 66 per centum shall be allocated to each State, as follows: One-half in an amount which bears the same ratio to the total amount to be allotted as the rural population of the States bears to the total rural population of all the States as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and one-half in an amount which bears the same ratio to the total amount to be allotted as the farm population of the State bears to the total farm population of all the States as determined by the last preceding decennial census current at the time such additional sum is first appropriated.

Personnel, salaries.

(c) Funds appropriated under this title may be used to pay salaries and other expenses of personnel employed to carry out the functions

authorized by this title, to obtain necessary supplies, equipment, services, and rent, repair, and maintenance of other facilities needed, but may not be used to purchase or construct buildings.

(d) Payment of funds to any State for programs authorized under section 502(a), (b), and (c) shall be contingent upon the Secretary's approval of an annual plan and budget for programs conducted under each part and compliance with such regulations as the Secretary may issue under this title. Funds shall be available for use by the State in the fiscal year for which appropriated and the next fiscal year following the year for which appropriated. Funds shall be budgeted and accounted for on such forms and at such times as the Secretary shall prescribe.

(e) Funds provided to each State under this title may be used to finance programs through or at private and publicly supported colleges and universities other than the university responsible for administering the programs authorized by this title.

SEC. 504. COOPERATING COLLEGES AND UNIVERSITIES.—(a) Each of the programs authorized by this title shall be organized and conducted by one or more colleges or universities in each State so as to provide a coordinated program in each State.

State programs, administration. 67 Stat. 83. 69 Stat. 671. 7 USC 341, 361a. 7 USC 301.

(b) To assure national coordination with programs under the Smith-Lever Act of 1914 and the Hatch Act (as amended, August 11, 1955), administration of each State program shall be a responsibility of the institution or university accepting the benefits of the Morrill Act of 1862 (12 Stat. 503) as amended. Such administration shall be in association with the programs conducted under the Smith-Lever Act and the Hatch Act. The Secretary shall pay funds available to each State to said institution or university.

7 USC 321 and notes.

(c) All private and publicly supported colleges and universities in a State including the land-grant colleges of 1890 (26 Stat. 417) shall be eligible to conduct or participate in conducting programs authorized under this title. Officials at universities or colleges other than those responsible for administering programs authorized by this title who wish to participate in these programs shall submit program proposals to the university officials responsible for administering these programs and they shall be responsible for approval of said proposals.

Program proposals.

Officials, designation.

(d) The university in each State responsible for administering the program authorized by this title shall designate an official who shall be responsible for programs authorized by each part of section 502 and an official who shall be responsible for the overall coordination of said programs.

State Rural Development Advisory Council, appointment.

(e) The chief administrative officer of the university in each State responsible for administering the program authorized by this title shall appoint a State Rural Development Advisory Council, consisting of not more than fifteen members. The administrative head of agriculture of that university shall serve as chairman. The administrative head of a principal school of engineering in the State shall be a member. There shall be at least ten additional members who shall include persons representing farmers, business, labor, banking, local government, multi-county planning and development districts, public and private colleges and Federal and State agencies involved in rural development.

It shall be the function of the Council to review and approve annual program plans conducted under this title and to advise the chief administrative officer of the university on matters pertaining to the program authorized.

SEC. 505. AGREEMENTS AND PLANS.—(a) Programs authorized under this title shall be conducted as mutually agreed upon by the Secretary and the university responsible for administering said programs in a memorandum of understanding which shall provide for

the coordination of the programs authorized under this title, coordination of these programs with other rural development programs of Federal, State, and local government, and such other matters as the Secretary shall determine.

Annual program plan.

(b) Annually said university shall submit to the Secretary an annual program plan for programs authorized under this title which shall include plans for the programs to be conducted by each cooperating and participating university or college and such other information as the Secretary shall prescribe. Each State program must include research and extension activities directed toward identification of programs which are likely to have the greatest impact upon accomplishing the objectives of rural development in both the short and longer term and the use of these studies to support the State's comprehensive program to be supported under this title.

SEC. 506. WITHHOLDING FUNDS.—When the Secretary determines that a State is not eligible to receive part or all of the funds to which it is otherwise entitled because of a failure to satisfy conditions specified in this title, or because of a failure to comply with regulations issued by the Secretary under this title, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of the State from which funds have been withheld in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. If any portion of the moneys received by the designated officers of any State for the support and maintenance of programs authorized by this title shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by said State.

Report to President.

SEC. 507. DEFINITIONS.—For the purposes of this title—

(a) "Rural development" means the planning, financing, and development of facilities and services in rural areas that contribute to making these areas desirable places in which to live and make private and business investments; the planning, development, and expansion of business and industry in rural areas to provide increased employment and income; the planning, development, conservation, and use of land, water, and other natural resources of rural areas to maintain or enhance the quality of the environment for people and business in rural areas; and processes and procedures that have said objectives as their major purposes.

(b) The word "State" means the several States and the Commonwealth of Puerto Rico.

SEC. 508. REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this title.

TITLE VI—MISCELLANEOUS

SEC. 601. LOCATION OF OFFICES IN RURAL AREAS.—Section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), is amended to read as follows:

42 USC 3122.

"(b) Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain departmental policies and procedures giving first priority to the location of new offices and other facilities in rural areas as defined in the private business enterprise exception in section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926). The President is hereby requested to submit to the Congress not later than September 1 of each fiscal year a report reflecting the efforts during the immediately preceding fiscal year of all executive departments and agencies in carrying out the provisions of this section, citing

Ante, p. 659.
Report to Congress.

the location of all new facilities, and including a statement covering the basic reasons for the selection of all new locations."

SEC. 602. DESERTLAND ENTRYMEN.—(a) The first sentence of the Act entitled "An Act to enable the Secretary of Agriculture to extend financial assistance to homestead entrymen, and for other purposes", approved October 19, 1949 (63 Stat. 883; 7 U.S.C. 1006a), is amended by striking out "homestead entry" and inserting in lieu thereof "homestead or desertland entry".

(b) The last sentence of the first section of such Act is amended by striking out "reclamation project" and inserting in lieu thereof "reclamation project or to an entryman under the desertland laws".

SEC. 603. COORDINATION OF RURAL DEVELOPMENT ACTIVITIES.—(a) Section 520 of the Revised Statutes (7 U.S.C. 2201) is amended by—

(1) inserting the words "and rural development" after the words "with agriculture", and;

(2) striking "that word" and inserting in lieu thereof "those terms".

(b) Section 526 of the Revised Statutes (7 U.S.C. 2204) is amended by—

(1) inserting "(a)" before the first sentence;

(2) inserting the words "and rural development" after the words "concerning agriculture";

(3) striking out the period at the end of the section and inserting in lieu thereof the following: "; and he shall advise the President, other members of his Cabinet, and the Congress on policies and programs designed to improve the quality of life for people living in the rural and nonmetropolitan regions of the Nation."; and

(4) adding at the end of the section a new subsection as follows:

"(b) The Secretary of Agriculture is authorized and directed to provide leadership and coordination within the executive branch and shall assume responsibility for coordinating a nationwide rural development program utilizing the services of executive branch departments and agencies and the agencies, bureaus, offices, and services of the Department of Agriculture in coordination with rural development programs of State and local governments. In carrying out this responsibility the Secretary of Agriculture shall establish employment, income, population, housing, and quality of community services and facilities goals for rural development and report annually prior to September 1 to Congress on progress in attaining such goals. The Secretary is authorized to initiate or expand research and development efforts related to solution of problems of rural water supply, rural sewage and solid waste management, rural housing, and rural industrialization."

Nationwide rural development program.

Report to Congress.

(c)(1) The Secretary of Agriculture shall utilize to the maximum extent practicable State, regional, district, county, local, or other Department of Agriculture offices to enhance rural development, and shall to the maximum extent practicable provide directly, or, in the case of agencies outside of the Department of Agriculture, through arrangements with the heads of such agencies, for—

(A) the location of all field units of the Federal Government concerned with rural development in the appropriate Department of Agriculture offices covering the geographical areas most similar to those covered by such field units, and

(B) the interchange of personnel and facilities in each such office to the extent necessary or desirable to achieve the most efficient utilization of such personnel and facilities and provide the most effective assistance in the development of rural areas in accordance with State rural development plans.

(2) The Secretary shall include in the report required by this section a report on progress made in carrying out paragraph (1) of this subsection, together with such recommendations as may be appropriate.

SEC. 604. ADDITIONAL ASSISTANT SECRETARY OF AGRICULTURE.—(a) In addition to the Assistant Secretaries of Agriculture now provided for by law, there shall be one additional Assistant Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate.

80 Stat. 461.

(b) Section 5315(11) of title 5, United States Code, is amended to read as follows:

"(11) Assistant Secretaries of Agriculture (4)."

SEC. 605. LONG-TERM RURAL ENVIRONMENTAL PROTECTION CONTRACTS.—Subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 163; 16 U.S.C. 590a), is further amended by adding a new paragraph at the end thereof as follows:

52 Stat. 31; 78 Stat. 743. 16 USC 590h.

49 Stat. 1148. 16 USC 590g.

"In carrying out the purposes of subsection (a) of section 7, the Secretary may enter into agreements with agricultural producers for periods not to exceed ten years, on such terms and conditions as the Secretary deems desirable, creating obligations in advance of appropriations not to exceed such amounts as may be specified in annual appropriation Acts. Such agreements (i) shall be based on conservation plans approved by the soil and water conservation district or districts in which the lands described in the agreements are situated, and (ii) may be modified or terminated by mutual consent if the Secretary determines such action would be in the public interest. The Secretary also may terminate agreements if he determines such action to be in the national interest and provides public notice in ample time to give producers a reasonable opportunity to make arrangements for appropriate changes in the use of their land."

Termination.

SEC. 606. COST SHARING FOR AGRICULTURE-RELATED POLLUTION PREVENTION AND ABATEMENT MEASURES.—The Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 163; 16 U.S.C. 590a), is further amended—

(1) By striking in section 7(a) the word "and" immediately before clause (5), substituting a semicolon for the period at the end of clause (5), and adding the following: "and (6) prevention and abatement of agricultural-related pollution.".

52 Stat. 31. 16 USC 590h.

(2) By changing the first sentence of section 8(b) to read as follows: "The Secretary shall have power to carry out the purposes specified in clauses (1), (2), (3), (4), (5), and (6) of section 7(a) by making payments or grants of other aid to agricultural producers, including tenants and sharecroppers, in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, the prevention of erosion, or the prevention or abatement of agriculture-related pollution; (2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity or commodities required for domestic consumption; (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports adjusted to reflect the extent to which their utilization of cropland on the farm conforms to farming practices which the Secretary determines will best effectuate the purposes specified in section 7(a); or (5) any combination of the above."

(3) By inserting in the second paragraph of section 8(b) after the words "soil-building services" in the two places where they occur the words "or pollution prevention or abatement aids" and after the words "soil-conserving practices" the words "or pollution prevention or abatement practices". 55 Stat. 257. 16 USC 590h.

(4) By striking "or (5)" in the first sentence of section 8(d) and substituting "(5), or (6)". 52 Stat. 33.

(5) By inserting in the proviso of section 8(e) after the words "soil-building or soil-conserving practices" the words "or agriculture-related pollution prevention or abatement practices". 52 Stat. 34; 56 Stat. 761.

(6) By striking the words "soil-building practices and soil- and water-conserving practices" in the penultimate sentence of section 15 and substituting "soil-building practices, soil- and water-conserving practices, and agriculture-related pollution prevention and abatement practices". 68 Stat. 908. 16 USC 590o.

Approved August 30, 1972.

Public Law 92-420

AN ACT

To amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

September 16, 1972
[H. R. 9323]

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 "Narcotic Addict Rehabilitation Amendments of 1971". Narcotic Addict Rehabilitation Amendments of 1971. 80 Stat. 1438.

SEC. 2. Section 2901(d) of title 28, United States Code, is amended to read as follows:

"(d) 'Treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction."

SEC. 3. Section 4251(c) of title 18, United States Code, is amended to read as follows:

"(c) 'Treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction."

SEC. 4. Section 301(b) of the Narcotic Addict Rehabilitation Act of 1966 (80 Stat. 1444; 42 U.S.C. 3411(b)), is amended to read as follows:

"(b) 'Treatment' includes confinement and treatment in a hospital of the Service and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction."

SEC. 5. This Act shall take effect immediately upon enactment. Sections 2 and 3 shall apply to any case pending in a district court of the United States in which an appearance has not been made prior to the effective date. Effective date.

Approved September 16, 1972.

Public Law 92-421

September 18, 1972
[H. R. 13089]

AN ACT

To provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes.

National forests.
Accelerated reforestation.
Transfer of funds.

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 Secretary of Agriculture shall establish a "Supplemental National Forest Reforestation Fund", and transfer to that fund beginning with the fiscal year commencing July 1, 1972, and ending on June 30, 1987, such amounts as may be appropriated therefor. There is hereby authorized to be appropriated for such purpose for each of the fiscal years during such period the sum of $65,000,000.

SEC. 2. Moneys transferred to the National Forest Reforestation Fund under the provisions of this Act shall be available to the Secretary of Agriculture, for expenditure upon appropriation, for the purpose of supplementing programs of tree planting and seeding of national forest lands determined by the Secretary to be in need of reforestation. Such moneys shall be available until expended, and shall be provided without prejudice to appropriations or funds available from other sources for the same purposes, including those available pursuant to section 3 of the Act of June 9, 1930 (46 Stat. 527, 16 U.S.C. 576b).

Report to Congress.

SEC. 3. The Secretary of Agriculture shall, within one year after the date of this Act, provide a report to the Congress which sets forth the scope of the total national forest reforestation needs, and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this Act are to be applied to the program. The Secretary shall annually thereafter make a report to the Congress on the use of funds authorized by this Act and the progress toward completion of his planned national forest reforestation program.

Approved September 18, 1972.

Public Law 92-422

September 18, 1972
[H. J. Res. 55]

AN ACT

Proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the United States Navy.

Seabees Memorial.
Construction authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Seabee Memorial Association, Incorporated, is authorized to erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the United States Navy who have served their country with the "CAN DO" spirit in building for peace.

Site.

SEC. 2. (a) The Secretary of the Interior is authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site on public grounds in the District of Columbia, or its environs, upon which may be erected the memorial authorized in the first section of this Act: *Provided*, That if the site selected is on public grounds belonging to or under the jurisdiction of the government of the District of Columbia, the approval of the Commissioner of the District of Columbia shall also be obtained.

(b) The design and plans for such memorial shall be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts, and the National Capital Planning Commission. and the United States or the District of Columbia shall be put to no expense in the erection thereof. Approval.

SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this joint resolution, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial. Conditions.

SEC. 4. The maintenance and care of the memorial erected under the provisions of this Act shall be the responsibility of the Secretary of the Interior, or, if the memorial is erected upon public grounds belonging to or under the jurisdiction of the District of Columbia, the government of the District of Columbia. Maintenance and care.

Approved September 18, 1972.

Public Law 92-423

AN ACT

September 19, 1972
[S. 3323]

To amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes.

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

National Heart, Blood Vessel, Lung, and Blood Act of 1972.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Heart, Blood Vessel, Lung, and Blood Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Congress finds and declares that—

(1) diseases of the heart and blood vessels collectively cause more than half of all the deaths each year in the United States and the combined effect of the disabilities and deaths from such diseases is having a major social and economic impact on the Nation;

(2) elimination of heart and blood vessel diseases as significant causes of disability and death could increase the average American's life expectancy by about eleven years and could provide for annual savings to the economy in lost wages, productivity, and costs of medical care of more than $30,000,000,000 per year;

(3) chronic lung diseases have been gaining steadily in recent years as important causes of disability and death, with emphysema alone being the fastest rising cause of death in the United States;

(4) chronic respiratory diseases affect an estimated ten million Americans, emphysema an estimated one million, chronic bronchitis an estimated four million, and asthma an estimated five million;

(5) thrombosis (the formation of blood clots in the vessels) may cause, directly or in combination with other problems, many deaths and disabilities from heart disease and stroke which can now be prevented;

(6) blood and blood products are essential human resources whose value in saving life and promoting health cannot be assessed in terms of dollars;

(7) the provision of prompt and effective emergency medical services utilizing to the fullest extent possible advances in transportation and communications and other electronic systems and specially trained professional and paraprofessional health care personnel can reduce substantially the number of fatalities and severe disabilities due to critical illnesses in connection with heart, blood vessel, lung, and blood diseases; and

(8) the greatest potential for advancement against heart, blood vessel, lung, and blood diseases lies in the National Heart and Lung Institute, but advancement against such diseases depends not only on the research programs of that Institute but also on the research programs of other research institutes of the National Institutes of Health.

(b) It is the purpose of this Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack upon heart, blood vessel, lung, and blood diseases.

HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAMS

62 Stat. 464. 42 USC 287.

SEC. 3. Part B of title IV of the Public Health Service Act is amended (1) by redesignating section 413 as section 419A. (2) by redesignating section 414 as section 418, and (3) by adding after section 412 the following new sections:

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAM

"SEC. 413. (a) The Director of the Institute, with the advice of the Council, shall develop a plan for a National Heart, Blood Vessel, Lung, and Blood Disease Program (hereafter in this part referred to as the 'Program') to expand, intensify, and coordinate the activities of the Institute respecting heart, blood vessel, lung, and blood diseases (including its activities under section 412) and shall carry out the Program in accordance with such plan. The Program shall be coordinated with the other research institutes of the National Institutes of Health to the extent that they have responsibilities respecting such diseases and shall provide for—

NIH, coordination provisions.

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment (including emergency medical service), and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs that will focus and apply scientific and technological efforts involving biological, physical, and engineering sciences to all facets of heart, blood vessel, lung, and blood diseases with emphasis on refinement, development, and evaluation of technological devices that will assist, replace, or monitor vital organs and improve instrumentation for detection, diagnosis, and treatment of those diseases;

"(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to, and emergency medical services for, such diseases;

"(6) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionalization, and distribution of it and its products;

"(7) the education and training of scientists, clinicians, and educators, in fields and specialties (including computer sciences) requisite to the conduct of programs respecting heart, blood vessel, lung, and blood diseases;

"(8) public and professional education relating to all aspects of such diseases and the use of blood and blood products and the management of blood resources:

"(9) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(10) establishment of programs for study, research, development, demonstrations and evaluation of emergency medical services for people who become critically ill in connection with heart, blood vessel, lung, or blood diseases, which programs shall include programs for (A) the training of paraprofessionals in (i) emergency treatment procedures, and (ii) utilization and operation of emergency medical equipment, (B) the development and operation of (i) mobile critical care units (including helicopters and other airborne units where appropriate), (ii) radio, telecommunications, and other means of communications, and (iii) electronic monitoring systems, and (C) the coordination with other community services and agencies in the joint use of all forms of emergency vehicles, communications systems, and other appropriate services.

National Institute of Neurological Diseases and Stroke, coordination.

The Program shall give special emphasis to the continued development in the Institute of programs relating to atherosclerosis, hypertension, thrombosis, and congenital abnormalities of the blood vessels as causes of stroke, and to effective coordination of such programs with related stroke programs in the National Institute of Neurological Diseases and Stroke.

Plan development; transmittal to Congress.

"(b)(1) The plan required by subsection (a) of this section shall (A) be developed within one hundred and eighty days after the effective date of this section, (B) be transmitted to the Congress, and (C) set out the Institute's staff requirements to carry out the Program and recommendations for appropriations for the Program.

Report to President, transmittal to Congress.

"(2) The Director of the Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the Program during the preceding calendar year and a plan for the Program during the next five years.

Director, functions.

"(c) In carrying out the Program, the Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council and without regard to any other provision of this Act, may—

"(1) if authorized by the Council, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than fifty experts or consultants who have scientific or professional qualifications;

80 Stat. 416.

"(2) acquire, construct, improve, repair, operate, and maintain heart, blood vessel, lung, and blood disease laboratory, research, training, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; and acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years; and

19 Stat. 370.

"(3) enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution.

Assistant Director for Health Information Programs.

"(d) There shall be in the Institute an Assistant Director for Health Information Programs who shall be appointed by the Director of the Institute. The Director of the Institute, acting through the Assistant Director for Health Information Programs, shall conduct a program to provide the public and the health professions with health information with regard to cardiovascular and pulmonary diseases. In the conduct of such program, special emphasis shall be placed upon dissemination of information regarding diet, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary diseases.

Cardiovascular and pulmonary diseases, information.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PREVENTION AND CONTROL PROGRAMS

"SEC. 414. (a) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, shall establish programs as necessary for cooperation with other Federal Health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment (including the provision of emergency medical services) of heart, blood vessel, lung, and blood

diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"(b) There is authorized to be appropriated to carry out this section $25,000,000 for the fiscal year ending June 30, 1973, $35,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975. Appropriations.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES

"SEC. 415. (a)(1) The Director of the Institute may provide for the development of—

"(A) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for heart, blood vessel, and blood diseases; and

"(B) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for chronic lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children).

"(2) The centers developed under paragraph (1)(A) shall, in addition to being utilized for research, training, and demonstrations, be utilized for the following prevention programs for cardiovascular diseases:

"(A) Programs to develop improved methods of detecting individuals with a high risk of developing cardiovascular disease.

"(B) Programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing such disease.

"(C) Programs to develop health professions and allied health professions personnel highly skilled in the prevention of such disease.

"(D) Programs to develop improved methods of providing emergency medical services for persons with such disease.

"(3) Centers developed under this subsection may be supported under subsection (b) or under any other applicable provision of law. The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraph (1) of this subsection.

"(b) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, existing or new centers (including centers established under subsection (a)) for basic or clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for— Public or nonprofit agencies, cooperative agreements. Use of funds.

"(1) construction, notwithstanding section 405, 58 Stat. 708. 42 USC 285.

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

Limitations. The aggregate of payments (other than payments for construction) made to any center under such an agreement may not exceed $5,000,000 in any year. Support of a center under this subsection may be for a period of not to exceed five years and may be extended by the Director of the Institute for additional periods of not more than five years each, after review of the operations of such center by an appropriate scientific review group established by the Director. As used in this section, the term 'construction' does not include the acquisition of land.

"Construction."

"INTERAGENCY TECHNICAL COMMITTEE

Establishment. "SEC. 416. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as Chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary.

"NATIONAL HEART AND LUNG ADVISORY COUNCIL

Establishment; membership. "SEC. 417. (a) There is established in the Institute a National Heart and Lung Advisory Council to be composed of twenty-three members as follows:

"(1) The Secretary, the Director of the National Institutes of Health, the Director of the Office of Science and Technology, and the chief medical officer of the Veterans' Administration (or their designees), and a medical officer designated by the Secretary of Defense, shall be ex officio members of the Council.

"(2) Eighteen members appointed by the Secretary.

Eleven of the appointed members shall be selected from among the leading medical or scientific authorities who are skilled in the sciences relating to diseases of the heart, blood vessels, lungs, and blood; two of the appointed members shall be selected from persons enrolled in residency programs providing training in heart, blood vessel, lung, or blood diseases; and five of the appointed members shall be selected from members of the general public who are leaders in the fields of fundamental or medical sciences or in public affairs.

Terms. "(b)(1) Each appointed member of the Council shall be appointed 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) of the members first appointed after the effective date of this section, five shall be appointed for a term of four years, five shall be appointed for a term of three years, five shall be appointed for a term of two years, and three shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office. Extension.

"(2) A vacancy in the Council shall not affect its activities, and twelve members of the Council shall constitute a quorum.

"(3) The Council shall supersede the existing National Advisory Heart Council appointed under section 217, and the appointed members of the National Advisory Heart Council serving on the effective date of this section shall serve as additional members of the National Heart and Lung Advisory Council for the duration of their terms then existing, or for such shorter time as the Secretary may prescribe. National Advisory Heart Council, replacement provisions. 64 Stat. 446. 42 USC 218.

"(4) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. 5 USC 5332 note. 80 Stat. 499; 83 Stat. 190.

"(c) The Secretary (or his designee) shall be the Chairman of the Council.

"(d) The Director of the Institute shall (1) designate a member of the staff of the Institute to act as Executive Secretary of the Council, and (2) make available to the Council such staff, information, and other assistance as it may require to carry out its functions. Executive Secretary.

"(e) The Council shall meet at the call of the Chairman, but not less often than four times a year."

AUTHORIZATION OF APPROPRIATIONS FOR PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 4. Part B of title IV of the Public Health Service Act is amended by adding at the end thereof the following new section: *Ante*, p. 680.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419B. For the purpose of carrying out this part (other than section 414), there is authorized to be appropriated $375,000,000 for the fiscal year ending June 30, 1973, $425,000,000 for the fiscal year ending June 30, 1974, and $475,000,000 for the fiscal year ending June 30, 1975. Of the sums appropriated under this section for any fiscal year, not less than 15 per centum of such sums shall be reserved *Ante*, p. 682.

for programs under this part respecting diseases of the lung and not less than 15 per centum of such sums shall be reserved for programs under this part for programs respecting diseases of the blood."

AUTHORITY OF THE DIRECTOR OF THE NATIONAL HEART AND LUNG INSTITUTE TO APPROVE GRANTS

SEC. 5. Section 419A of the Public Health Service Act (as so redesignated by section 3 of this Act) is amended—

(1) by striking out "grants-in-aid" in subsection (a) and inserting in lieu thereof "except as provided in subsection (c), grants-in-aid"; and

(2) by adding after subsection (b) the following new subsection:

"(c) Under procedures approved by the Director of the National Institutes of Health, the Director of the National Heart and Lung Institute may approve grants under this Act for research and training in heart, blood vessel, lung, and blood diseases—

Limitations.

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without review and recommendation by the Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by the Council."

CONFORMING AMENDMENTS TO PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

62 Stat. 465.
42 USC 287.

SEC. 6. (a) Section 411 of the Public Health Service Act is amended by striking out "National Heart Institute" and inserting in lieu thereof "National Heart and Lung Institute".

42 USC 287a.

(b) Section 412 of such Act is amended—

(1) by striking out "heart" each place it occurs (except in the heading) and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(2) by striking out "Surgeon General" and inserting in lieu thereof "Secretary";

(3) by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council";

(4) by redesignating paragraphs (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(5) by amending the section heading to read as follows:

"RESEARCH AND TRAINING IN DISEASES OF THE HEART, BLOOD VESSELS, LUNG, AND BLOOD"

(c) Section 418 of such Act (as so redesignated by section 3 of this Act) is amended—

(1) by inserting "(a)" immediately after "SEC. 418." and by adding at the end thereof the following new subsection:

"(b)(1) The Council shall advise and assist the Director of the Institute with respect to the Program established under section 413. The Council may hold such hearings, take such testimony, and sit and act at such times and places, as the Council deems advisable to investigate programs and activities of the Program.

Ante, p. 680.

Report to President, transmittal to Congress.

"(2) The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Program toward the accomplishment of its objectives."

(2) by striking out "Surgeon General" each place it occurs (except paragraph (f)) and inserting in lieu thereof "Secretary";

(3) by striking out "heart" each place it occurs and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(4) by striking out "Surgeon General" in paragraph (f) and inserting in lieu thereof "Secretary, the Director of the National Institutes of Health, and the Director of the National Heart and Lung Institute"; and

(5) by redesignating paragraphs (a), (b), (c), (d), (e), and (f) as paragraphs (1), (2), (3), (4), (5), and (6), respectively.

(d) Section 419A of such Act (as so redesignated by section 3 of this Act) is amended—

(1) in subsection (a), by (A) striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood"; and

(2) in subsection (b), by (A) striking out "The Surgeon General shall recommend to the Secretary acceptance of conditional gifts, pursuant to section 501," and inserting in lieu thereof "The Secretary may, in accordance with section 501, accept conditional gifts", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood". 58 Stat. 709. 42 USC 219.

(e) The heading for part B of such Act is amended to read as follows:

"PART B—NATIONAL HEART AND LUNG INSTITUTE".

CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

SEC. 7. (a) Section 217 of such Act is amended— 64 Stat. 446. 42 USC 218.

(1) by striking out "the National Advisory Heart Council," each place it occurs in subsection (a);

(2) by striking out "heart diseases," in subsection (a) and by striking out "heart," in subsection (b).

(b) Sections 301(d) and 301(i) of such Act are each amended by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council". 58 Stat. 692; 62 Stat. 601; 79 Stat. 448. 42 USC 241.

REPORT TO CONGRESS

SEC. 8. The Secretary of Health, Education, and Welfare shall carry out a review of all administrative processes under which the National Heart, Blood Vessel, Lung, and Blood Disease Program, established under part B of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the Program. Within one year of the date of enactment of this Act, the Secretary shall submit a report to the Congress of the findings of such review and the actions taken to facilitate the conduct of the Program, together with recommendations for any needed legislative changes. Review. *Ante*, p. 680.

EFFECTIVE DATE

SEC. 9. This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register. Publication in Federal Register.

Approved September 19, 1972.

Public Law 92-424

September 19, 1972
[H. R. 12350]

AN ACT

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Economic Opportunity Amendments of 1972.

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 "Economic Opportunity Amendments of 1972".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

42 USC 2771, 2837, 2871, 2907, 2965, 2994d.

SEC. 2. (a) Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

81 Stat. 714; 83 Stat. 827. 42 USC 2933.

(b) Section 523 of such Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $900,300,000 for the fiscal year ending June 30, 1973, and $950,000,000 for the fiscal year ending June 30, 1974.

81 Stat. 672, 683; 83 Stat. 833. 42 USC 2711, 2737, 2769.

(b) (1) For the purpose of carrying out the Project Headstart program described in section 222(a)(1) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $485,000,000 for the fiscal year ending June 30, 1973, and $500,000,000 for the fiscal year ending June 30, 1974.

Post, p. 690.

(2) The Secretary of Health, Education, and Welfare shall establish policies and procedures designed to assure that not less than 10 per centum of the total number of enrollment opportunities in the Nation in the Headstart program shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Elementary and Secondary Education Act of 1965, as amended) and that services shall be provided to meet their special needs. The Secretary shall implement his responsibilities under this paragraph in such a manner as not to exclude from any project any child who was participating in the program during the fiscal year ending June 30, 1972. Within six months after the date of enactment of this Act, and at least annually thereafter, the Secretary shall report to the Congress on the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

80 Stat. 1204; 81 Stat. 803. 20 USC 872 note.

Report to Congress.

(3) For the purpose of carrying out the Follow Through program described in section 222(a)(2) such Act, there are authorized to be appropriated $70,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(c) (1) For the purpose of carrying out titles II, III, VI, VII, and IX of the Economic Opportunity Act of 1964, there are authorized to be appropriated $840,000,000 for the fiscal year ending June 30, 1973, and $870,000,000 for the fiscal year ending June 30, 1974.

42 USC 2781, 2841, 2941, 2981. *Post*, pp. 697, 704.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for the fiscal year ending June 30, 1973, and for the succeeding fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for

programs under section 221 of the Economic Opportunity Act of 1964 and not less than $71,500,000 for Legal Services programs under section 222(a)(3) of such Act. 81 Stat. 696. 42 USC 2808. 83 Stat. 829. 42 USC 2809.

(3) The Director shall allocate and make available the remainder of the amounts appropriated for carrying out the Economic Opportunity Act of 1964 for each fiscal year pursuant to paragraph (1) of this subsection (after funds are reserved for the purposes specified in paragraph (2) of this subsection) in such a manner, subject to the provisions of section 616 of such Act, as to make available with respect to each fiscal year— *Post*, p. 690.

(A) not less than $18,000,000 annually to be used for the Alcoholic Counseling and Recovery program described in section 222(a)(8) of such Act; and

(B) not less than $30,000,000 annually to be used for the Emergency Food and Medical Services program described in section 222(a)(5) of such Act.

(d)(1) There are authorized to be appropriated $58,000,000 for the fiscal year ending June 30, 1973, to be used for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act of 1964, of which (A) the amount of $44,500,000 shall be available for carrying out full-time volunteer programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII, and (B) the amount of $13,500,000 shall be available (notwithstanding the 10 percentum limitation set forth in the second sentence of section 821 of such Act) for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title VIII. 80 Stat. 1472; 81 Stat. 722. 42 USC 2991. 42 USC 2992. 42 USC 2993a. 42 USC 2993.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available in full, then such sums as are so appropriated and made available for such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of $37,000,000 shall be used for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII;

(B) any amounts appropriated in excess of $37,000,000 but not in excess of $50,500,000 shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title VIII; and

(C) any amounts appropriated in excess of $50,500,000 shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII.

(3) Section 833 of the Economic Opportunity Act of 1964 is amended (A) in subsection (b) thereof by striking out "under part A" and inserting in lieu thereof "under this title", and (B) in subsection (c) thereof by striking out "a volunteer under part A of this title" and inserting in lieu thereof "a full-time volunteer receiving either a living allowance or a stipend under this title". 81 Stat. 726; 83 Stat. 832. 42 USC 2994b.

(e) In addition to the amounts authorized to be appropriated and allocated pursuant to subsections (c) and (d) of this section, there are further authorized to be appropriated the sum of $16,000,000 to be used for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act of 1964, of which $8,000,000 shall be available for carrying out full-time volunteer programs under part A of such title VIII for ninety days after the enactment of this Act (of which amount $2,000,000 shall be available without regard to the limitation placed on the expenditure of funds by section 24 of this Act for programs, projects, or activities for which academic credit is granted to volunteer participants) and $8,000,000 shall remain available for expenditure in accordance with the provisions of such title during the fiscal year ending June 30, 1973. *Post*, p. 697.

TRANSFER OF FUNDS

81 Stat. 717; 83 Stat. 831. 42 USC 2966.

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting "for fiscal years ending prior to July 1, 1972, and not to exceed 20 per centum" immediately before the words "for fiscal years ending thereafter".

(b) Section 616 of such Act is further amended by striking out the semicolon the first time it appears therein and all matter thereafter through "$10,000,000" the second time it appears in such section.

TRAINING PROGRAMS FOR YOUTH

81 Stat. 686. 42 USC 2742.

SEC. 5. Section 125(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentence: "The Director shall insure that low-income persons otherwise capable of such participation who reside in public or private institutions shall be eligible for participation in programs under this part.".

PROHIBITION OF ELECTIONS OR OTHER DEMOCRATIC SELECTION PROCEDURES ON SABBATH DAYS

81 Stat. 693. 42 USC 2791.

SEC. 6. Section 211 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof a new subsection (g) as follows:

"(g) The Director shall ensure that no election or other democratic selection procedure conducted pursuant to clause (2) of subsection (b), or pursuant to clause (2) of subsection (f), shall be held on a Sabbath Day which is observed as a day of rest and worship by residents in the area served."

COMMUNITY ACTION BOARDS

SEC. 7. (a) The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof "five" and by striking out "six" and inserting in lieu thereof "ten".

(b) Section 211(b)(1) of such Act is amended to read as follows: "(1) one-third of the members of the board are elected public officials, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting such one-third requirement,".

PARTICIPATION OF THE NON-POOR IN HEADSTART PROGRAMS

81 Stat. 698; 83 Stat. 828. 42 USC 2809.

SEC. 8. The third sentence of section 222(a)(1) of the Economic Opportunity Act of 1964 is amended by striking out the comma and all the language following the words "make payment" and inserting in lieu thereof the following: "in accordance with an appropriate fee schedule established by the Secretary of Health, Education, and Welfare, based upon the ability of the family to pay, which payment may be made in whole or in part by a third party in behalf of such family, except that any such charges with respect to any family with an income of less than the lower living standard budget shall not exceed the sum of (i) an amount equal to 10 per centum of any family income which exceeds $4,320 but does not exceed 85 per centum of such lower living standard budget, and (ii) an amount equal to 15 per centum of any family income which exceeds 85 per centum of such lower living standard budget but does not exceed 100 per centum of such lower living standard budget, and if more than two children from the same family are participating, additional charges may be made not to exceed the

sum of the amounts calculated in accordance with clauses (i) and (ii) with respect to each additional child. No charge will be made with respect to any child who is a member of any family with an annual income equal to or less than $4,320, with appropriate adjustments in the case of families having more than two children, except to the extent that payment will be made by a third party. Funds appropriated for the purpose of carrying out this section shall be used first to continue ongoing Headstart projects, or new projects serving the children from low-income families which were being served during the preceding fiscal year. There shall be reserved for such projects from such funds an amount at least equal to the aggregate amount received by public or private agencies or organizations during the preceding fiscal year for programs under this section. The Secretary may defer but not later than April 1, 1973, the establishment of a fee schedule under this paragraph upon certification that the establishment of such fee schedule would hinder the orderly operation of such projects prior to such time."

Fee schedule.

COMPREHENSIVE HEALTH SERVICES CHARGES

SEC. 9. Section 222(a)(4)(A)(ii) of the Economic Opportunity Act of 1964 is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

81 Stat. 698.
42 USC 2809.

DRUG REHABILITATION PROGRAM

SEC. 10. (a) Section 222(a)(8) of the Economic Opportunity Act of 1964 is amended by striking out the last sentence thereof.

83 Stat. 829.

(b) Section 222(a)(9) of such Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs, and assisting employers in dealing with addiction and drug abuse and dependency problems among formerly hard-core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans, with priority to those areas within the States having the highest percentages of addicts. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process but there shall be no change in income eligibility criteria for initial admission to treatment and rehabilitation programs under this Act."

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 11. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed) on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste

"Environmental Action."

removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

"Rural Housing Development and Rehabilitation."

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to non-profit rural housing development corporations and cooperatives serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses; revolving development funds; nonrevolving land, land development and construction writedowns; rehabilitation or repair of substandard housing; and loans to low-income families. In the construction, rehabilitation, and repair of housing for low-income families under this paragraph, the services of persons enrolled in Mainstream programs may be utilized. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, but if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish except that (1) no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum and (2) any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly."

Loans.

Interest rate.

Waiver.

PUERTO RICO

81 Stat. 702. 42 USC 2812.

SEC. 12. (a) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico,".

81 Stat. 715. 42 USC 2949.

(b) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

NON-FEDERAL CONTRIBUTION CEILING

SEC. 13. Section 225(c) of the Economic Opportunity Act of 1964 is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

SPECIAL PROGRAMS AUTHORIZED

SEC. 14. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:— 81 Stat. 696. 42 USC 2808.

"DESIGN AND PLANNING ASSISTANCE PROGRAMS

"SEC. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

"(1) comprehensive community or area planning and development;

"(2) specific projects for the priority planning and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area;

"(2) has as a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum possible participation of local residents, especially low-income residents, in the planning and decisionmaking regarding the development of their community; and

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profitmaking organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971. 42 USC 2825.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuse education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into

contracts for the conduct of an annual youth recreation and sports program concentrated in the summer months and with continued activities throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that (1) not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation and (2) all significant segments of the low-income population of the community to be served will be served on an equitable basis in terms of participating youths and instructional and other support personnel.

"(c) Programs under this section shall be administered by the Director through grants or contracts with any qualified organization of colleges and universities or such other qualified nonprofit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe. Each such grant or contract and subcontract with participating institutions of higher education or other qualified organizations active in the field shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in kind) of no less than 20 per centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health and nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education or other qualified organizations active in the field located conveniently to such areas of poverty and the students and personnel of such institutions or organizations active in the field to participate more fully in the community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources.

"CONSUMER ACTION AND COOPERATIVE PROGRAMS

"SEC. 228. (a) The Director shall make grants or enter into contracts to provide financial assistance for the development, technical assistance to and conduct of consumer action and advocacy and cooperative programs, credit resources development programs, and consumer protection and education programs designed to demonstrate various techniques and models and to carry out projects to assist and provide technical assistance to low-income persons to try to improve the quality, improve the delivery, and lower the price of goods and services, to obtain, without undue delay or burden, financial credit at rea-

sonable cost, and to develop means of enforcing consumer rights. developing consumer grievance procedures and presenting consumer grievances, submitting consumer views and concerns for protection against unfair, deceptive, or discriminatory trade and commercial practices and educating low-income persons with respect to such rights, procedures, grievances, views and concerns.

"(b) No assistance may be provided under this section unless the grantee or contracting organization or agency is a nonprofit organization and has as a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum possible participation of low-income persons in the project.

"(c) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness, or which have not yet been evaluated until such time as an evaluation is conducted and the effectiveness determined and to carry out evaluations of such projects, of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971 or June 30, 1972." 81 Stat. 703. 42 USC 2825.

TERMINATION OF ASSISTANCE

SEC. 15. Section 231 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: 42 USC 2824.

"(d) If any member of a board to which section 211(b) is applicable files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall forthwith terminate further assistance under this title to such agency until he has received assurances satisfactory to him that further violations will not occur." *Ante*, p. 690. Hearing.

SPECIAL ASSISTANCE

SEC. 16. Part C of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section: 42 USC 2823.

"SPECIAL ASSISTANCE

"SEC. 234. The Director may provide financial assistance for projects conducted by public or private nonprofit agencies which are designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. In administering this section, the Director shall give special consideration to programs designed to assist older persons and other low-income individuals who do not reside in low-income areas and who are not being effectively served by other programs under this title."

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 17. Section 244 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: 42 USC 2836.

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be dis-

tributed on an equitable basis in any community and within any State so that all significant segments of the low-income population are being served."

AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

81 Stat. 709. 42 USC 2862.

SEC. 18. Section 312(b)(3) of the Economic Opportunity Act of 1964 is amended by inserting after the word "Government" the words "employment or".

DAY CARE STANDARDS

42 USC 2932.

SEC. 19. Section 522(d) of the Economic Opportunity Act of 1964 is amended by adding a new sentence after the words "local levels." as follows: "Such standards shall be 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."

PROHIBITION OF POLITICAL ACTIVITY

80 Stat. 1469; 81 Stat. 714. 42 USC 2943.

SEC. 20. Section 603 of the Act is amended by adding at the end thereof the following new subsection:

Ante, p. 284.

"(c) No part of any funds appropriated to carry out this Act, subpart (1) of part B of title V of the Higher Education Act of 1965, or any program administered by ACTION shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity, the Teacher Corps, or ACTION, who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term 'election' has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971, and the term 'Federal office' has the same meaning given such term by section 301(c) of such Act."

Ante, p. 11.

DEFINITION OF LOWER LIVING STANDARD BUDGET

Ante, p. 692.

SEC. 21. Section 609 of the Act is amended by adding at the end thereof the following:

"(5) the term 'lower living standard budget' means that income level (adjusted for regional and metropolitan, urban and rural differences and family size) determined annually by the Bureau of Labor Statistics of the Department of Labor and referred to by such Department as the 'lower living standard budget'."

GUIDELINES

78 Stat. 528; 83 Stat. 831. 42 USC 2941.

SEC. 22. Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"GUIDELINES

Publication in Federal Register.

"SEC. 623. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date."

NONDISCRIMINATION

SEC. 23. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by adding at the end thereof the following new section:

"NONDISCRIMINATION PROVISIONS

"SEC. 624. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act."

78 Stat. 252.
42 USC 2000d-1.
42 USC 2000d-2.

POVERTY LINE

SEC. 24. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting the following new section at the end thereof:

Ante, p. 696.

"POVERTY LINE

"SEC. 625. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the average percentage change in the consumer price index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary consumer price index data becomes available."

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 25. (a) The Economic Opportunity Act is amended by inserting immediately after title VI the following new title:

78 Stat. 508, 534.
42 USC 2701 note.

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community corporations and related nonprofit agencies, including cooperatives, or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration; and (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

Financial assistance.

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to cooperatives and other nonprofit agencies in conjunction with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

78 Stat. 526; 81 Stat. 710. 42 USC 2901.

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of this Act.

81 Stat. 683. 42 USC 2737.

"(b) The Director shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

Regulations.

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or

participation in ownership of assisted businesses and housing, cooperatively or otherwise, by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served; 80 Stat. 1255. 42 USC 3301 note.

"(6) the requirements of subsections 122(e) and 124(a) of this Act have been met; 81 Stat. 683. 42 USC 2739, 2741.

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' 'combined paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958. 15 USC 682, 683, 696.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part. Regulations.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act. 79 Stat. 560; 85 Stat. 167. 42 USC 3161. 42 USC 3131, 3141.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part. Regulations.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part or their subsidiaries, shall qualify as sponsors under section 106 of

82 Stat. 490; 84 Stat. 1808. 12 USC 1701x. 12 USC 1715l, 1715z, 1715z-1. 42 USC 1450.

the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to community development corporations assisted under this part.

Ante, p. 405.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

Report to Congress.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1972, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"PART B—RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence, as a supplement to existing similar programs conducted by other departments and agencies of the Federal Government. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more

than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterprises which will enable such families to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers and their purchasing power as consumers, and to provide such essentials as credit and health services. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical assistance; and

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and both urban and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development.

marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of urban and rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

"SEC. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations and to cooperatives eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives eligible for financial assistance under section 722(b) for business, housing, and community development projects who the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

Ante, p. 698.

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Interest rate.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect to such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

Development Loan Fund, establishment.

"(c) (1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

Rural Development Loan Fund.

"(2) The Rural Development Loan Fund shall consist of such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

Community Development Loan Fund.

"(3) The Community Development Loan Fund shall consist of such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out

this title. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which he has made available for grants to community development corporations not less than $60,000,000 out of funds made available from appropriations for the purpose of carrying out this title.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act. 78 Stat. 532. 42 USC 2948.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investigate the feasibility and most appropriate manner of establishing development banks and similar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973. Report to Congress.

"PART D—GENERAL

"PROGRAM DURATION AND AUTHORITY

"SEC. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the three succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed. Repeal. 81 Stat. 688. 42 USC 2763.

AMENDMENT WITH RESPECT TO VOLUNTEER PROGRAMS

SEC. 26. (a) The second sentence of section 801 of the Economic Opportunity Act of 1964 is amended by inserting after the words "to eliminate poverty" the following: "and to deal with environmental problems focused primarily upon the needs of low-income persons and the communities in which they reside". 81 Stat. 722. 42 USC 2991.

(b) Section 811(a) of such Act is amended as follows: 42 USC 2992a.

(1) by striking out the first sentence thereof, and

(2) by inserting in lieu thereof: "Volunteers under this part shall be required to make a full-time personal commitment to achieving the purpose of this title and the goals of the projects or programs to which they are assigned."

(c) Section 820(a) of such Act is amended as follows: 42 USC 2993.

(1) by striking out the first sentence of subsection (a), and

(2) by inserting in lieu thereof: "The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for short periods of service either in their home or nearby communities or elsewhere, in volunteer activities contributing to the elimination of poverty and otherwise in furtherance of the purpose of this title."

(d) The first sentence of section 821 of such Act is amended, effective July 1, 1972, by inserting before the period at the end thereof a 42 USC 2993a.

comma and the following: "and such programs shall include any program, project, or activity otherwise authorized under the provisions of this title for which academic credit is granted to volunteer participants in connection with their volunteer service (not including time devoted to training)".

EVALUATION

78 Stat. 508. 42 USC 2701 note.

SEC. 27. (a) The Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new title:

"TITLE IX—EVALUATION

"COMPREHENSIVE EVALUATION OF PROGRAMS

"SEC. 901. (a) The Director shall provide for the continuing evaluation of programs under this Act and of programs authorized under related Acts, including evaluations that describe and measure, with appropriate means and to the extent feasible, the impact of such programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. The Director may, for such purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

Standards, publication.

"(b) The Director shall to the extent feasible develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act.

"(c) In carrying out this title, the Director may require community action agencies to provide independent evaluations.

"COOPERATION OF OTHER AGENCIES

"SEC. 902. Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he deems appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director on a cooperative basis with such agency, with such statistical data, program reports, and other materials, as they collect and compile on program operations, beneficiaries, and effectiveness.

"CONSULTATION

"SEC. 903. (a) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of programs.

"(b) The Director shall consult, when appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"PUBLICATION OF EVALUATION RESULTS

"SEC. 904. (a) The Director shall publish summaries (prepared by the evaluator) of the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(b) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(c) The Director shall publish summaries of the results of activities carried out pursuant to this title in the report required by section 608 of this Act.

78 Stat. 532.
42 USC 2948.

"EVALUATION BY OTHER ADMINISTERING AGENCIES

"SEC. 905. The head of any agency administering a program authorized under this Act may, with respect to such program, conduct evaluations and take other actions authorized under this title to the same extent and in the same manner as the Director under this title. Nothing in this section shall preclude the Director from conducting such evaluations or taking such actions otherwise authorized under this title with respect to such programs."

Repeals.

(b)(1) Subsection (a) of section 113, subsections (b) and (c) of section 132, section 233, and section 314(b) of the Economic Opportunity Act of 1964 are repealed.

81 Stat. 679.
42 USC 2724, 2749, 2826, 2864.
42 USC 2974.

(2) Section 632(2) of such Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(3) Sections 132 and 314 of such Act are each amended by striking out "(a)".

FUNCTIONS OF DIRECTOR

SEC. 28. Notwithstanding the provisions of section 602(d) of the Economic Opportunity Act of 1964, the Director of the Office of Economic Opportunity shall not delegate his functions under section 221 and title VII of such Act to any other agency.

78 Stat. 528; 80 Stat. 1468.
42 USC 2942.
81 Stat. 696.
42 USC 2808.
Ante, p. 697.

AMENDMENT TO THE OLDER AMERICANS ACT OF 1965

SEC. 29. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of ACTION may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

83 Stat. 112.

Effective dates.

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this Act. In the case of any project with respect to which, prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

Approved September 19, 1972.

Public Law 92-425

September 21, 1972
[H. R. 10670]

AN ACT

To amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes.

Armed Forces.
Survivor Benefit Plan, establishment.
10 USC 1431.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 73 of title 10, United States Code, is amended as follows:

(1) The title of the chapter is amended by adding "; **SURVIVOR BENEFIT PLAN**" after "**PAY**", and by inserting the following after the revised title:

"Subchapter Sec.
"I. Retired Serviceman's Family Protection Plan 1431
"II. Survivor Benefit Plan 1447

"Subchapter I.—Retired Serviceman's Family Protection Plan".

(2) Subchapter I is amended as follows:

(A) Sections 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1444 (a) and (c), 1445, and 1446 are each amended by striking out "chapter" wherever it appears and inserting in place thereof "subchapter".

70A Stat. 110; 82 Stat. 752.

(B) Section 1443 is repealed and the corresponding item in the subchapter analysis for that section is stricken.

Repeals.
70A Stat. 111.

(C) Section 1444(b) is repealed and the catchline and subchapter analysis item for section 1444 are each amended by striking out "reports to Congress;".

75 Stat. 811.

(3) The following new subchapter is added after section 1446:

"Subchapter II.—Survivor Benefit Plan

"Sec.
"1447. Definitions.
"1448. Application of Plan.
"1449. Mental incompetency of member.
"1450. Payment of annuity: beneficiaries.
"1451. Amount of annuity.
"1452. Reduction in retired or retainer pay.
"1453. Recovery of annuity erroneously paid.
"1454. Correction of administrative deficiencies.
"1455. Regulations.

"§ 1447. Definitions

"In this subchapter:

"(1) 'Plan' means the Survivor Benefit Plan established by this subchapter.

"(2) 'Base amount' means—

"(A) the amount of monthly retired or retainer pay to which a person—

"(i) was entitled when he became eligible for that pay; or

"(ii) later became entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or

"(B) any amount less than that described by clause (A) designated by that person on or before the first day for which he became eligible for retired or retainer pay, but not less than $300;

81 Stat. 652; 83 Stat. 837.

as increased from time to time under section 1401a of this title.

"(3) 'Widow' means the surviving wife of a person who, if not married to the person at the time he became eligible for retired or retainer pay—

"(A) was married to him for at least two years immediately before his death; or

"(B) is the mother of issue by that marriage.

"(4) 'Widower' means the surviving husband of a person who, if not married to the person at the time she became eligible for retired or retainer pay—

"(A) was married to her for at least two years immediately before her death; or

"(B) is the father of issue by that marriage.

"(5) 'Dependent child' means a person who is—

"(A) unmarried;

"(B) (i) under 18 years of age; (ii) at least 18, but under 22, years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution; or (iii) incapable of supporting himself because of a mental or physical incapacity existing before his eighteenth birthday or incurred on or after that birthday, but before his twenty-second birthday, while pursuing such a full-time course of study or training; and

"(C) the child of a person to whom the Plan applies, including (i) an adopted child, and (ii) a stepchild, foster child, or recognized natural child who lived with that person in a regular parent-child relationship.

For the purpose of this clause, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is considered to have become 22 years of age on the first day of July after that birthday. A child who is a student is considered not to have ceased to be a student during an interim between school years if the interim is not more than 150 days and if he shows to the satisfaction of the Secretary of Defense that he has a bona fide intention of continuing to pursue a course of study or training in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim. Under this clause, a foster child, to qualify as the dependent child of a person to whom the Plan applies, must, at the time of the death of that person, also reside with, and receive over one-half of his support from, that person, and not be cared for under a social agency contract. The temporary absence of a foster child from the residence of that person, while he is a student as described in this clause, will not be considered to affect the residence of such a foster child.

Foster child.

"§ 1448. Application of plan

"(a) The Plan applies to a person who is married or has a dependent child when he becomes entitled to retired or retainer pay unless he elects not to participate in the Plan before the first day for which he is eligible for that pay. If a person who is married elects not to participate in the Plan at the maximum level, that person's spouse shall be notified of the decision. An election not to participate in the Plan is irrevocable if not revoked before the date on which the person first becomes entitled to retired or retainer pay. However, a person who is not married when he becomes entitled to retired or retainer pay but who later marries, or acquires a dependent child, may elect to participate in the Plan but his election must be written, signed by him, and received by the Secretary concerned within one year after he marries, or acquires that dependent child. Such an election may not be revoked. His election is effective as of the first day of the month after his election is received by the Secretary concerned.

Effective date.

"(b) A person who is not married and does not have a dependent

child when he becomes entitled to retired or retainer pay may elect to provide an annuity to a natural person with an insurable interest in that person.

"(c) The application of the Plan to a person whose name is on the temporary disability retired list terminates when his name is removed from that list and he is no longer entitled to retired pay.

"(d) If a member of an armed force dies on active duty after he has become entitled to retired or retainer pay, or after he has qualified for that pay except that he has not applied for or been granted that pay, and his spouse is eligible for dependency and indemnity compensation under section 411(a) of title 38 in an amount that is less than the annuity the spouse would have received under this subchapter if it had applied to the member when he died, the Secretary concerned shall pay to the spouse an annuity equal to the difference between that amount of compensation and 55 percent of the retired or retainer pay to which the otherwise eligible spouse described in section 1450(a)(1) of this title would have been entitled if the member had been entitled to that pay based upon his years of active service when he died.

85 Stat. 660.

"§ 1449. Mental incompetency of member

"If a person to whom section 1448 of this title applies is determined to be mentally incompetent by medical officers of the armed force concerned or of the Veterans' Administration, or by a court of competent jurisdiction, any election described in the first sentence of subsection (a), or subsection (b), of section 1448 of this title may be made on behalf of that person by the Secretary concerned. If the person for whom the Secretary has made an election is later determined to be mentally competent by an authority named in the first sentence, he may, within 180 days after that determination revoke that election. Any deductions made from retired or retainer pay by reason of such an election will not be refunded.

"§ 1450. Payment of annuity: beneficiaries

"(a) Effective as of the first day after the death of a person to whom section 1448 of this title applies, a monthly annuity under section 1451 of this title shall be paid to—

"(1) the eligible widow or widower;

"(2) the surviving dependent children in equal shares, if the eligible widow or widower is dead, dies, or otherwise becomes ineligible under this section; or

"(3) the natural person designated under section 1448(b) of this title at the time the person to whom section 1448 applies became entitled to retired or retainer pay, if there is no eligible beneficiary under clause (1) or (2).

Termination.

"(b) An annuity payable to the beneficiary terminates effective as of the first day of the month in which eligibility is lost. An annuity for a widow or widower shall be paid to the widow or widower while the widow or widower is living or, if the widow or widower remarries before reaching age 60, until the widow or widower remarries. If the widow or widower remarries before reaching age 60 and that marriage is terminated by death, annulment, or divorce, payment of the annuity will be resumed effective as of the first day of the month in which the marriage is so terminated. However, if the widow or widower is also entitled to an annuity under this section based upon the marriage so terminated, the widow or widower may not receive both annuities but must elect which to receive.

"(c) If, upon the death of a person to whom section 1448 of this title applies, the widow or widower of that person is also entitled to compensation under section 411(a) of title 38, the widow or widower

may be paid an annuity under this section, but only in the amount that the annuity otherwise payable under this section would exceed that compensation.

"(d) If, upon the death of a person to whom section 1448 of this title applies, that person had in effect a waiver of his retired or retainer pay for the purposes of subchapter III of chapter 83 of title 5, an annuity under this section shall not be payable unless, in accordance with section 8339(i) of title 5, he notified the Civil Service Commission that he did not desire any spouse surviving him to receive an annuity under section 8341(b) of that title. Retired or retainer pay waiver. 80 Stat. 564. 5 USC 8331. *Ante*, p. 144.

"(e) If no annuity under this section is payable because of subsection (c), any amounts deducted from the retired or retainer pay of the deceased under section 1452 of this title shall be refunded to the widow or widower. If, because of subsection (c), the annuity payable is less than the amount established under section 1451 of this title, the annuity payable shall be recalculated under that section. The amount of the reduction in the retired or retainer pay required to provide that recalculated annuity shall be computed under section 1452 of this title, and the difference between the amount deducted prior to the computation of that recalculated annuity and the amount that would have been deducted on the basis of that recalculated annuity shall be refunded to the widow or widower. Refunds.

"(f) An unmarried person who elects to provide an annuity to a person designated by him under subsection (a)(3), but who later marries or acquires a dependent child, may change that election and provide an annuity to his spouse or dependent child. A change of election under this subsection is subject to the rules with respect to execution, revocation, and effectiveness set forth in the last three sentences of section 1448(a) of this title.

"(g) Except as provided in section 1449 of this title or in subsection (f) of this section, an election under this section may not be changed or revoked. Restriction.

"(h) Except as provided in section 1451 of this title, an annuity under this section is in addition to any other payment to which a person is entitled under any other provision of law. Such annuity shall be considered as income under laws administered by the Veterans' Administration.

"(i) An annuity under this section is not assignable or subject to execution, levy, attachment, garnishment, or other legal process.

"§ 1451. Amount of annuity

"(a) If the widow or widower is under age 62 or there is a dependent child, the monthly annuity payable to the widow, widower, or dependent child, under section 1450 of this title shall be equal to 55 percent of the base amount. However, when the widow has one dependent child, the monthly annuity shall be reduced by an amount equal to the mother's benefit, if any, to which the widow would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(l)(1) of title 42 and calculated assuming that the person concerned lived to age 65. When the widow or widower reaches age 62, or there is no longer a dependent child, whichever occurs later, the monthly annuity shall be reduced by an amount equal to the amount of the survivor benefit, if any, to which the widow or widower would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(l)(1) of title 42 and calculated assuming that the person concerned lived to age 65. For the purpose of the preceding sentence, a widow or widower shall be considered as entitled to a benefit under subchapter II of chapter 7 of title 42 even *Ante*, p. 416. 70 Stat. 870; 74 Stat. 937.

though that benefit has been offset by deductions under section 403 of title 42 on account of work.

53 Stat. 1367; *Ante*, pp. 410-415.

"(b) The monthly annuity payable under section 1450(a)(3) of this title shall be 55 percent of the retired or retainer pay of the person who elected to provide that annuity after the reduction in that retired or retainer pay in accordance with section 1452(c) of this title.

Monthly annuity.

"(c) Whenever retired or retainer pay is increased under section 1401a of this title, each annuity that is payable under this section, or section 1448(d) of this title, on the day before the effective day of that increase shall be increased at the same time by the same total percent. The amount of the increase shall be based on the monthly annuity payable before any reduction under section 1448(d) or 1450(c) of this title, or subsection (a) of this section.

Annuity increase.

81 Stat. 652; 83 Stat. 837.

"§ 1452. Reduction in retired or retainer pay

"(a) The retired or retainer pay of a person to whom section 1448 of this title applies who has a spouse, or who has a spouse and a dependent child, and who has not elected to provide an annuity to a person designated by him under section 1450(a)(3) of this title, or who had elected to provide such an annuity to such a person but has changed his election in favor of his spouse under section 1450(f) of this title, shall be reduced each month by an amount equal to 2½ percent of the first $300 of the base amount plus 10 percent of the remainder of the base amount. As long as there is an eligible spouse and a dependent child, that amount shall be increased by an amount prescribed under regulations of the Secretary of Defense.

"(b) The retired or retainer pay of a person to whom section 1448 of this title applies who has a dependent child but does not have an eligible spouse, shall, as long as he has an eligible dependent child, be reduced by an amount prescribed under regulations of the Secretary of Defense.

"(c) The retired or retainer pay of a person who has elected to provide an annuity to a person designated by him under section 1450(a)(3) of this title shall be reduced by 10 percent plus 5 percent for each full 5 years the individual designated is younger than that person. However, the total reduction may not exceed 40 percent.

Limitation.

"(d) If a person who has elected to participate in the Plan has been awarded retired or retainer pay and is not entitled to that pay for any period, he must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period, except when he is called or ordered to active duty for a period of more than 30 days.

Waiver.

"(e) When a person who has elected to participate in the Plan waives his retired or retainer pay for the purposes of subchapter III of chapter 83 of title 5, he shall not be required to make the deposit otherwise required by subsection (d) as long as that waiver is in effect unless, in accordance with section 8339(i) of title 5, he has notified the Civil Service Commission that he does not desire any spouse surviving him to receive an annuity under section 8341(b) of title 5.

80 Stat. 564. 5 USC 8331.

Ante, p. 144.

Refunds, restriction.

"(f) Except as provided in section 1450(e) of this title, a person is not entitled to any refunds of amounts deducted from retired or retainer pay under this section unless the amounts were deducted through administrative error.

"§ 1453. Recovery of annuity erroneously paid

"In addition to other methods of recovery provided by law, the Secretary concerned may authorize the recovery, by deduction from later payments to a person, of any amount erroneously paid to him under this subchapter. However, recovery is not required if, in the judgment

of the Secretary concerned and the Comptroller General, there has been no fault by the person to whom the amount was erroneously paid and recovery would be contrary to the purposes of this subchapter or against equity and good conscience.

"§ 1454. Correction of administrative deficiencies

"The Secretary concerned may, under regulations prescribed under section 1455 of this title, correct or revoke any election under this subchapter when he considers it necessary to correct an administrative error. Except when procured by fraud, a correction or revocation under this section is final and conclusive on all officers of the United States.

"§ 1455. Regulations

"The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform for the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service. Those regulations shall—

"(1) provide that, when the notification referred to in section 1448(a) of this title is required, the member and his spouse shall, before the date the member becomes entitled to retired or retainer pay, be informed of the elections available and the effects of such elections; and

"(2) establish procedures for depositing the amounts referred to in section 1452(d) of this title."

SEC. 2. The chapter analysis of subtitle A and the analysis of part II of subtitle A of title 10, United States Code, are each amended by amending the item relating to chapter 73 by adding "; Survivor Benefit Plan" after "Pay".

SEC. 3. (a) The Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act applies to any person who initially becomes entitled to retired or retainer pay on or after the effective date of this Act. An election made before that date by such a person under section 1431 of title 10, United States Code, is canceled. However, a person who initially becomes entitled to retired or retainer pay within 180 days after the effective date of this Act may, within 180 days after becoming so entitled, elect— *Ante*, p. 706. 75 Stat. 810; 82 Stat. 751.

(1) not to participate in such Survivor Benefit Plan if he is married or has a dependent child; or

(2) to participate in that Plan, if he is a person covered by section 1448(b) of title 10, United States Code.

(b) Any person who is entitled to retired or retainer pay on the effective date of this Act may elect to participate in the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act before the first anniversary of that date. However, such a person who is receiving retired or retainer pay reduced under section 1436(a) of title 10, United States Code, or who is depositing amounts under section 1438 of that title, may elect before the first anniversary of the effective date of this Act— *Ante*, p. 706.

(1) to participate in the Plan and continue his participation under chapter 73 of that title as in effect on the day before the effective date of this Act, except that the total of the annuities elected may not exceed 100 percent of his retired or retainer pay; or

(2) to participate in the Plan and, notwithstanding section 1436(b) of that title, terminate his participation under chapter 73 of that title as in effect on the day before the effective date of this Act.

A person who elects under clause (2) of this subsection is not entitled to a refund of amounts previously deducted from his retired or retainer pay under chapter 73 of title 10, United States Code, as in effect on the day before the effective date of this Act, or any payments made thereunder on his behalf. A person who is not married or does not have a dependent child on the first anniversary of the effective date of this Act, but who later marries or acquires a dependent child, may elect to participate in the Plan under the fourth sentence of section 1448(a) of that title.

Ante, p. 706.

(c) Notwithstanding the provisions of the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act, and except as otherwise provided in this section, subchapter I of chapter 73 of title 10, United States Code (other than the last two sentences of section 1436(a), section 1443, and section 1444(b)), as in effect on the day before the effective date of this Act, shall continue to apply in the case of persons, and their beneficiaries, who have elected annuities under section 1431 or 1432 of that title and who have not elected under subsection (b)(2) of this section to participate in that Plan.

"Base amount."

(d) In this section, "base amount" means—

(1) the monthly retired or retainer pay to which a person—

(A) is entitled on the effective date of this Act; or

(B) later becomes entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or

(2) any amount less than that described in clause (1) designated by that person at the time he makes an election under subsection (a)(2) or (b) of this section, but not less than $300;

as increased from time to time under section 1401a of title 10, United States Code.

81 Stat. 652; 83 Stat. 837.

Effective date.

(e) An election made under subsection (a) or (b) of this section is effective on the date it is received by the Secretary concerned, as defined in section 101(5) of title 37, United States Code.

76 Stat. 451; 82 Stat. 1314.

(f) Sections 1449, 1453, and 1454 of title 10, United States Code, as added by clause (3) of the first section of this Act, are applicable to persons covered by this section.

Ante, pp. 708, 710, 711.

Annuity payments, eligibility.

SEC. 4. (a) A person—

(1) who, on the effective date of this Act is, or within one calendar year after that date becomes, a widow of a person who was entitled to retired or retainer pay when he died;

(2) who is eligible for a pension under subchapter III of chapter 15 of title 38, United States Code, or section 9(b) of the Veterans' Pension Act of 1959 (73 Stat. 436); and

72 Stat. 1137; 81 Stat. 180. 38 USC 531. 38 USC 521 note.

(3) whose annual income, as determined in establishing that eligibility, is less than $1,400;

shall be paid an annuity by the Secretary concerned unless she is eligible to receive an annuity under the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act. However, such a person who is the widow of a retired officer of the Public Health Service or the National Oceanic and Atmospheric Administration, and who would otherwise be eligible for an annuity under this section except that she does not qualify for the pension described in clause (2) of this subsection because the service of her deceased spouse is not considered active duty under section 101(21) of title 38, United States Code, is entitled to an annuity under this section.

72 Stat. 1108; 84 Stat. 1864.

(b) The annuity under subsection (a) of this section shall be in an amount which when added to the widow's income determined under

subsection (a)(3) of this section, plus the amount of any annuity being received under sections 1431–1436 of title 10, United States Code, but exclusive of a pension described in subsection (a)(2) of this section, equals $1,400 a year. In addition, the Secretary concerned shall pay to the widow, described in the last sentence of subsection (a) of this section, an amount equal to the pension she would otherwise have been eligible to receive under subchapter III of chapter 15 of title 38, United States Code, if the service of her deceased spouse was considered active duty under section 101(21) of that title.

Ante, p. 706.

72 Stat. 1137; 81 Stat. 180. 38 USC 531.

SEC. 5. Section 3(a)(4) of the Act of August 10, 1956, chapter 1041, as amended (33 U.S.C. 857a(a)(5)), and section 221(a)(5) of the Public Health Service Act, as amended (42 U.S.C. 213a(a)(5)), are each amended to read as follows:

84 Stat. 1864. 70A Stat. 619; 73 Stat. 358.

"Chapter 73, Retired Serviceman's Family Protection Plan; Survivor Benefit Plan."

SEC. 6. Title 38, United States Code, is amended as follows:

(1) Section 415(g)(M) is amended to read as follows:

84 Stat. 1584.

"(M) payments of annuities elected under subchapter I of chapter 73 of title 10."

(2) Section 503(17) is amended to read as follows:

"(17) payments of annuities elected under subchapter I of chapter 73 of title 10.".

Approved September 21, 1972.

Public Law 92-426

AN ACT

September 21, 1972 [H. R. 2]

To establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, 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 "Uniformed Services Health Professions Revitalization Act of 1972".

Uniformed Services Health Professions Revitalization Act of 1972.

SEC. 2. (a) Title 10, United States Code, is amended by adding the following new chapters after chapter 103:

78 Stat. 1064. 10 USC 2101.

"Chapter 104.—UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

"Sec.
"2112. Establishment.
"2113. Board of regents.
"2114. Students: selection; status; obligation.
"2115. Graduates: limitation on number electing to perform civilian Federal duty.
"2116. Reports to Congress.
"2117. Authorization for appropriations.

"§ 2112. Establishment

"(a) There is hereby authorized to be established within 25 miles of

the District of Columbia a Uniformed Services University of the Health Sciences (hereinafter referred to as the 'University'), at a site or sites to be selected by the Secretary of Defense, with authority to grant appropriate advanced degrees. It shall be so organized as to graduate not less than 100 medical students annually, with the first class graduating not later than 10 years after the date of the enactment of this chapter.

"(b) Except as provided in subsection (a), the numbers of persons to be graduated from the University shall be prescribed by the Secretary of Defense.

"(c) The development of the University may be by such phases as the Secretary of Defense may prescribe, subject to the requirements of subsection (a).

"§ 2113. Board of Regents

"(a) The business of the University shall be conducted by a Board of Regents (hereinafter referred to as the 'Board') with funds appropriated for and provided by the Department of Defense. The Board shall consist of—

Membership.

"(1) nine persons outstanding in the fields of health and health education who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate;

"(2) the Secretary of Defense, or his designee, who shall be an ex officio member;

"(3) the surgeons general of the uniformed services, who shall be ex officio members; and

"(4) the person referred to in subsection (d).

Terms.

"(b) The term of office of each member of the Board (other than ex officio members) shall be six years except that—

"(1) 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 such term; and

"(2) the terms of office of the members first taking office shall expire, as designated by the President at the time of the appointment, three at the end of two years, three at the end of four years, and three at the end of six years.

Chairman.

"(c) One of the members of the Board (other than an ex officio member) shall be designated by the President as Chairman. He shall be the presiding officer of the Board.

Dean.

"(d) The Board shall appoint a Dean of the University (hereinafter referred to as the 'Dean') who shall also serve as a nonvoting ex officio member of the Board.

Compensation.

"(e) Members of the Board (other than ex officio members) while attending conferences or meetings or while otherwise performing their duties as members shall be entitled to receive compensation at a rate to be fixed by the Secretary of Defense, but not exceeding $100 per diem and shall also be entitled to receive an allowance for necessary travel expenses while so serving away from their place of residence.

"(f) The Board, after considering the recommendations of the Dean, shall obtain the services of such military and civilian professors, instructors, and administrative and other employees as may be necessary to operate the University. Civilian members of the faculty and

staff shall be employed under salary schedules and granted retirement and other related benefits prescribed by the Secretary of Defense so as to place the employees of the University on a comparable basis with the employees of fully accredited schools of the health professions within the vicinity of the District of Columbia. The Board may confer academic titles, as appropriate, upon military and civilian members of the faculty. The military members of the faculty shall include a professor of military, naval, or air science as the Board may determine.

"(g) The Board is authorized to negotiate agreements with agencies of the Federal Government to utilize on a reimbursable basis appropriate existing Federal medical resources located in or near the District of Columbia. Under such agreements the facilities concerned will retain their identities and basic missions. The Board is also authorized to negotiate affiliation agreements with an accredited university or universities in or near the District of Columbia. Such agreements may include provisions for payments for educational services provided students participating in Department of Defense educational programs. The Board may also, subject to the approval of the Secretary of Defense, enter into an agreement under which the University would become part of a national university of health sciences should such an institution be established in the vicinity of the District of Columbia.

Federal medical resources, utilization agreements.

"(h) The Board may establish postdoctoral, postgraduate, and technological institutes.

"(i) The Board shall also establish programs in continuing medical education for military members of the health professions to the end that high standards of health care may be maintained within the military medical services.

Continuing medical education programs.

"§ 2114. Students: selection; status; obligation

"(a) Students at the University shall be selected under procedures prescribed by the Secretary of Defense. In so prescribing, the Secretary shall consider the recommendations of the Board. However, selection procedures prescribed by the Secretary of Defense shall emphasize the basic requirement that students demonstrate sincere motivation and dedication to a career in the uniformed services (as defined in section 1072(1) of this title).

72 Stat. 1446; 80 Stat. 1117.

"(b) Students shall be commissioned officers of a uniform service as determined under regulations prescribed by the Secretary of Defense after consulting with the Secretary of Health, Education, and Welfare. Notwithstanding any other provision of law, they shall serve on active duty in pay grade O–1 with full pay and allowances of that grade, but shall not be counted against any prescribed military strengths. Upon graduation they shall be appointed in a regular component, if qualified, unless they are covered by section 2115 of this title. Students who graduate shall be required, except as provided in section 2115 of this title, to serve thereafter on active duty under such regulations as the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, may prescribe for not less than seven years, unless sooner released. The service credit exclusions specified in section 2126 of this title shall apply to students covered by this section.

37 USC 203 note.

Post, p. 718.

"(c) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

"(d) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section. In no case shall any such member be required to serve on active duty for any period in excess of a period equal to the period he participated in the program, except that in no case may any such member be required to serve on active duty less than one year.

"§ 2115. Graduates: limitation on number electing to perform civilian Federal duty

"Not more than 20 percent of the graduates of any one class at the University may agree in writing to perform civilian Federal duty for not less than seven years following the completion of their professional education in lieu of active duty in a uniformed service. Such persons shall be released from active duty upon the completion of their professional education. The location and type of their duty shall be determined by the Secretary of Defense after consultation with the heads of Federal agencies concerned.

"§ 2116. Reports to Congress

Report to congressional committees.

"The Secretary of Defense shall report periodically to the Committees on Armed Services of the Senate and House of Representatives on the feasibility of establishing educational institutions similar or identical to the University at any other locations he deems appropriate. The last such report shall be submitted by June 30, 1976.

"§ 2117. Authorization for appropriations

"There is hereby authorized to be appropriated to the Department of Defense for the planning, construction, development, improvement, operation, and maintenance of the University, and to otherwise accomplish the purposes of this title, for the fiscal year beginning July 1, 1972, the sum of $15,000,000, and for each fiscal year thereafter such sum as may be authorized in the annual military construction authorization Act for such year.

"Chapter 105.—ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

"Sec.
"2120. Definitions.
"2121. Establishment.
"2122. Eligibility for participation.
"2123. Members of the program; active duty obligation; failure to complete training; release from program.
"2124. Members of the program; numbers appointed.
"2125. Members of the program; exclusion from authorized strengths.
"2126. Members of the program; service credit.
"2127. Contracts for scholarships; payments.

"§ 2120. Definitions

"In this chapter—

"(1) 'Program' means the Armed Forces Health Professions Scholarship program provided for in this chapter.

"(2) 'Member of the program' means a person appointed a commissioned officer in a reserve component of the armed forces who is enrolled in the Armed Forces Health Professions Scholarship program.

"(3) 'Course of study' means education received at an accredited college, university, or institution in medicine, dentistry, or other health profession, leading, respectively, to a degree related to the health professions as determined under regulations prescribed by the Secretary of Defense.

"§ 2121. Establishment

"(a) For the purpose of obtaining adequate numbers of commissioned officers on active duty who are qualified in the various health professions, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, may establish and maintain a health professions scholarship program for his department.

"(b) The program shall consist of courses of study in designated health professions, with obligatory periods of military training.

"(c) Persons participating in the program shall be commissioned officers in reserve components of the armed forces. Members of the program shall serve on active duty in pay grade O–1 with full pay and allowances of that grade for a period of 45 days during each year of participation in the program. They shall be detailed as students at accredited civilian institutions, located in the United States or Puerto Rico, for the purpose of acquiring knowledge or training in a designated health profession. In addition, members of the program shall, under regulations prescribed by the Secretary of Defense, receive military and professional training and instruction. Participants. 37 USC 203 note.

"(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate of $400 per month. Compensation.

"§ 2122. Eligibility for participation

"To be eligible for participation as a member of the program, a person must be a citizen of the United States and must—

"(1) be accepted for admission to, or enrolled in, an institution in a course of study, as that term is defined in section 2120(3) of this title; Supra.

"(2) sign an agreement that unless sooner separated he will—

"(A) complete the educational phase of the program;

"(B) accept an appropriate reappointment or designation within his military service, if tendered, based upon his health profession, following satisfactory completion of the program;

"(C) participate in the intern program of his service if selected for such participation;

"(D) participate in the residency program of his service, if selected, or be released from active duty for the period required to undergo civilian residency if selected for such training; and

"(E) because of his sincere motivation and dedication to a career in the uniformed services, participate in military training while he is in the program, under regulations prescribed by the Secretary of Defense; and

"(3) meet the requirements for appointment as a commissioned officer.

"§ 2123. Members of the program: active duty obligation; failure to complete training; release from program

"(a) A member of the program incurs an active duty obligation. The amount of his obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each year of participation in the program.

"(b) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

"(c) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section.

"(d) The Secretary of a military department, under regulations prescribed by the Secretary of Defense, may relieve a member of the program who is dropped from the program from any active duty obligation imposed by this section, but such relief shall not relieve him from any military obligation imposed by any other law.

"(e) Any member of the program relieved of his active duty obligation under this chapter before the completion of such obligation may, under regulations prescribed by the Secretary of Defense, be assigned to an area of health manpower shortage designated by the Secretary of Health, Education, and Welfare for a period equal to the period of obligation from which he was relieved.

"§ 2124. Members of the program: numbers appointed

"The number of persons who may be designated as members of the program for training in each health profession shall be as prescribed by the Secretary of Defense, except that the total number of persons so designated in all of the programs authorized by this chapter shall not, at any time, exceed 5,000.

Limitation.

"§ 2125. Members of the program: exclusion from authorized strengths

"Notwithstanding any other provision of law, members of the program shall not be counted against any prescribed military strengths.

"§ 2126. Members of the program: service credit

"Service performed while a member of the program shall not be counted—

"(1) in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program; or

"(2) in computing years of service creditable under section 205, other than subsection (a) (7) and (8), of title 37.

76 Stat. 458.

"§ 2127. Contracts for scholarships: payments

"(a) The Secretary of Defense may provide for the payment of all educational expenses incurred by a member of the program, including tuition, fees, books, and laboratory expenses. Such payments, however, shall be limited to those educational expenses normally incurred by students at the institution and in the health profession concerned who are not members of the program.

Limitation.

"(b) The Secretary of Defense may contract with an accredited civilian educational institution for the payment of tuition and other educational expenses of members of the program authorized by this chapter. Payment to such institutions may be made without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

"(c) Payments made under subsection (b) shall not cover any expenses other than those covered by subsection (a).

"(d) When the Secretary of Defense determines, under regulations prescribed by the Secretary of Health, Education, and Welfare, that an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the program covered by this chapter, he may provide under a contract with such an institution for additional payments to cover the portion of the increased costs of the additional enrollment which are not covered by the institution's normal tuition and fees." Additional payments.

(b) The table of chapters at the beginning of subtitle A and at the beginning of part III of such subtitle of title 10, United States Code, are each amended by adding

"104. Uniformed Services University of Health Sciences..... 2112
"105. Armed Forces Health Professions Scholarship Program..... 2120"

immediately below

"103. Senior Reserve Officers' Training Corps..... 2101".

Approved September 21, 1972.

Public Law 92-427

AN ACT

September 21, 1972
[S. 2969]

To declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title to the Federal lands, together with all improvements thereon, known as the McQuinn Strip, is declared to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon, and a part of the Warm Springs Reservation of Oregon, and such lands are excluded from the Mount Hood and Willamette National Forests. The Secretary of the Interior shall administer such lands in accordance with, and for the purpose of, this Act.

Indians.
Confederated Tribes of the Warm Springs Reservation, Oreg.
Lands in trust.

SEC. 2. As used in this Act, the term "McQuinn Strip" means the approximately 61,360 acres of federally owned lands which are within the following described area:

"McQuinn Strip."

An area bounded by a line beginning at a point in the middle of the channel of the Deschutes River, established as the initial point of the Handley Survey of 1871; thence in a direct line northwestwardly to the seven-and-one-half-mile post of the McQuinn Survey of 1887; thence continuing northwestwardly along the line of the McQuinn Survey to the thirty-mile post thereof at Little Dark Butte in the Cascade Mountains; thence following the McQuinn Survey southwestwardly in a direct line to the summit of Mount Jefferson; thence northeastwardly in a direct line to the western terminus of the northern boundary of the Warm Springs Indian Reservation as established by the Act of June 6, 1894 (28 Stat. 86); thence along said northern boundary to the place of beginning,

excluding any lands which are within the exterior boundaries of the Mount Jefferson Wilderness Area.

SEC. 3. The distributive shares of the respective counties of receipts from the national forests from which the lands described in section 2

58 Stat. 737. 16 USC 500.

of this Act are excluded, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended, shall not be affected by the elimination of lands from such national forests by the enactment of this Act.

Trust requirements.

SEC. 4. The declaration of trust made by this Act shall be subject to the following provisions:

Commercial timber, public auction sales.

(a) Commercial timber from lands described in section 2 shall continue to be sold by public oral auction with qualifying sealed bids until January 1, 1992, such timber to be managed on a sustained yield basis, to be appraised and sold in accordance with established rules and regulations of the Secretary of Interior, and to be designated for primary manufacture in the United States. During such period until January 1, 1992, the Confederated Tribes of the Warm Springs Reservation of Oregon shall not participate in the bidding and shall not purchase or cut and remove any of the timber from the McQuinn Strip.

Livestock grazing permits, conversion.

(b) Existing valid livestock grazing permits issued by the United States Government shall be converted to lease agreements between the Confederated Tribes of the Warm Springs Reservation of Oregon and the permittees, such leases to be on the same fee schedule, terms, and conditions as existing permits, except that the leases shall continue until January 1, 1992.

Right-of-way.

(c) For that portion of the Pacific Crest Trail traversing the lands in the McQuinn Strip, the Secretary of Agriculture shall retain a right-of-way of not to exceed 200 feet in width for continued administration by the Secretary as the Pacific Crest Trail in accord with the provisions of the National Trails System Act (82 Stat. 919, 16 U.S.C. 1241–48).

Public fishing.

(d) All lakes within the boundaries of the lands transferred by this Act shall be open to public fishing, with appropriate access thereto, under rules and regulations adopted by the Confederated Tribes and approved by the Secretary of Interior.

Wildlife management, cooperative agreements.

(e) The Confederated Tribes shall enter into a cooperative agreement with the Oregon State Game Commission for the enforcement of State regulations and laws affecting hunting and fishing on all lands, streams, and lakes in the McQuinn Strip for a period of ten years from the date of this Act. The cooperative agreement shall give the commission the option to extend the agreement for an additional ten-year period if, in the judgment of said commission, additional time is required for the Confederated Tribes of the Warm Springs Reservation of Oregon to develop an effective program of fish and game management on such lands. Notwithstanding the preceding provisions of this subsection, the cooperative agreement shall provide that the area known as Sunflower Flats, and described as follows:

Sunflower Flats, management.

All of the McQuinn Strip within township 5 south and township 6 south, range 11 east of the Willamette meridian, Wasco County, Oregon, lying west of the Simnasho-Wapinitia Road,

shall be managed jointly by the Confederated Tribes of the Warm Springs Reservation of Oregon and the Oregon State Game Commission until the agreement is canceled by mutual agreement, and that no hunting shall be permitted in such area without the joint agreement of both the Confederated Tribes and the Oregon State Game Commission.

U.S. Forest Service, fire lookout stations, use.

(f) The United States Forest Service shall have the right to the use without charge of all fire lookout stations within the McQuinn Strip, and the improvements and the lands upon which such improvements are located at the Bear Springs Ranger Station for so long as they

are needed: *Provided*, That during such use, the Forest Service shall maintain the improvements.

Campgrounds.

(g) All public campgrounds within the McQuinn Strip shall be managed and maintained by the Confederated Tribes in perpetuity for use by the public with appropriate access thereto on the same basis that other comparable campgrounds are maintained by the Forest Service.

Public roads.

(h) All public roads within the McQuinn Strip shall be maintained as public roads in perpetuity.

North boundary, fencing.

(i) The Confederated Tribes of the Warm Springs Reservation of Oregon shall place an adequate fence for the control of livestock along the north boundary of the McQuinn Strip as soon as practicable after the enactment of this Act: *Provided*, That where fee patent lands are bisected by said north line, the Confederated Tribes shall pay 50 per centum of the cost of providing an adequate livestock fence along the boundary lines of such fee patent lands located within the McQuinn Strip in the event the owner of such fee patent lands shall desire to fence the same. On all fee patent lands located within the McQuinn Strip, the Confederated Tribes shall pay 50 per centum of the cost of providing an adequate livestock fence around said fee patent lands provided the owner of such lands desires to fence the same.

Cost sharing.

Water Right Agreement.

(j) The lands subject to this Act shall be subject to the Water Right Agreement entered into on the 29th day of June 1971, recorded July 8, 1971, in the records of Wasco County, Oregon, under microfilm numbered 711138, between the Confederated Tribes of the Warm Springs Reservation of Oregon and the Juniper Flat District Improvement Company, an Oregon corporation.

Rules and regulations.

SEC. 5. The Confederated Tribes of the Warm Springs Reservation of Oregon, with the approval of the Secretary of Interior, shall promulgate such rules and regulations, and shall enter into such contracts with the State of Oregon and with individuals, organizations, and agencies of the United States, as may be necessary or desirable to effectuate the provisions of this Act.

Approved September 21, 1972.

Public Law 92-428

AN ACT

September 21, 1972
[H. R. 7375]

To amend the statutory ceiling on salaries payable to United States magistrates.

U.S. magistrates.
Salary ceiling, adjustment.
82 Stat. 1112.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 634 of title 28, United States Code, is amended to read as follows:

"Officers appointed under this chapter shall receive as full compensation for their services salaries to be fixed by the conference pursuant to section 633 of this title, at rates for full-time and part-time United States magistrates not to exceed the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), as amended, except that the salary of a part-time United States magistrate shall not be less than $100 nor more than $15,000 per annum, and except that the salary of a full-time United States magistrate shall not exceed 75 percent of the salary now or hereafter provided for a judge of a district court of the United States referred to in section 135 of title 28 of the United States Code."

70 Stat. 151; 83 Stat. 864.

62 Stat. 897; 78 Stat. 434.

Approved September 21, 1972.

Public Law 92-429

September 23, 1972
[H. J. Res. 1193]

JOINT RESOLUTION

To provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week".

National Microfilm Week.
Designation authorization.

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 (1) designating the week which begins on September 24, 1972, as "National Microfilm Week"; and (2) inviting the Governors and mayors of States and local governments of the United States to issue similar proclamations.

Approved September 23, 1972.

Public Law 92-430

September 23, 1972
[H. R. 9222]

AN ACT

To correct deficiencies in the law relating to the crimes of counterfeiting and forgery.

Postal money orders.
Counterfeiting and forgery.
62 Stat. 712; 84 Stat. 777.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 500 of title 18, United States Code, as amended by section 6(j)(5) of the Postal Reorganization Act, Public Law 91-375, is further amended to read as follows:

"§ 500. Money orders

"Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a blank money order or a money order issued by or under the direction of the Post Office Department or Postal Service; or

"Whoever forges or counterfeits the signature or initials of any person authorized to issue money orders upon or to any money order, postal note, or blank therefor provided or issued by or under the direction of the Post Office Department or Postal Service, or post office department or corporation of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereof; or

"Whoever falsely alters, in any material respect, any such money order or postal note; or

"Whoever, with intent to defraud, passes, utters or publishes or attempts to pass, utter or publish any such forged or altered money order or postal note, knowing any material initials, signature, stamp impression or indorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; or

"Whoever issues any money order or postal note without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States or Postal Service, or any officer, employee, or agent thereof, any sum of money whatever; or

"Whoever embezzles, steals, or knowingly converts to his own use or to the use of another, or without authority converts or disposes of any blank money order form provided by or under the authority of the Post Office Department or Postal Service; or

"Whoever receives or possesses any such money order form with the intent to convert it to his own use or gain or use or gain of another knowing it to have been embezzled, stolen or converted; or

"Whoever, with intent to defraud the United States, the Postal Service, or any person, transmits, presents, or causes to be transmitted or presented, any money order or postal note knowing the same—

"(1) to contain any forged or counterfeited signature, initials, or any stamped impression, or

"(2) to contain any material alteration therein unlawfully made, or

"(3) to have been unlawfully issued without previous payment of the amount required to be paid upon such issue, or

"(4) to have been stamped without lawful authority; or

"Whoever steals, or with intent to defraud or without being lawfully authorized by the Post Office Department or Postal Service, receives, possesses, disposes of or attempts to dispose of any postal money order machine or any stamp, tool, or instrument specifically designed to be used in preparing or filling out the blanks on postal money order forms—

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both." Penalty.

Approved September 23, 1972.

Public Law 92-431

AN ACT

September 26, 1972
[H. R. 7701]

To amend the Act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U.S.C. 415), is amended by inserting immediately after the word "except" the first time it appears the words "leases of land located outside the boundaries of Indian reservations in the State of New Mexico, and". Restricted Indian lands, N. Mex. Longer term leases. 69 Stat. 539; 73 Stat. 597.

Approved September 26, 1972.

Public Law 92-432

AN ACT

September 26, 1972
[H. R. 13025]

To amend the Act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (2) of the first sentence of the first section of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purposes", approved May 19, 1948 (16 U.S.C. 667b), is amended by striking out "chiefly". Wildlife conservation. Real property transfer. 62 Stat. 240.

Approved September 26, 1972.

Public Law 92-433

September 26, 1972
[H. R. 14896]

AN ACT

To amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs.

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 (42 U.S.C. 1761) is amended by adding at the end thereof the following:

Child nutrition programs.
Continuation and expansion.
82 Stat. 117; 85 Stat. 86.
Summer program.

"(i) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to utilize, during the period May 15 to September 15, 1972, not to exceed $25,000,000 from funds available during the fiscal years 1972 and 1973 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the purposes of this section. Funds expended under the provisions of this paragraph shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 13 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32. Funds made available under this subsection shall be in addition to direct appropriations or other funds available for the conduct of summer food service programs for children."

49 Stat. 774.

Grants-in-aid.
85 Stat. 86.

SEC. 2. (a) The first sentence of section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)), as amended, is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, 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 service institutions."

(b) Section 13(a)(2) of such Act is amended by inserting a new sentence at the end thereof as follows: "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."

School breakfast program, appropriation.
85 Stat. 85.

SEC. 3. (a) The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, to enable the Secretary to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in all schools which make application for assistance and agree to carry out a nonprofit breakfast program in accordance with this Act."

80 Stat. 886.

(b) Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended to read as follows:

"APPORTIONMENT TO STATES

"(b) Of the funds appropriated for the purposes of this section, the Secretary shall for the fiscal year ending June 30, 1973, (1) apportion $2,600,000 equally among the States other than Guam, the Virgin Islands, and American Samoa, and $45,000 equally among Guam, the Virgin Islands, and American Samoa, and (2) apportion the remainder among the States in accordance with the apportionment formula

contained in section 4 of the National School Lunch Act, as amended. For each fiscal year beginning with the fiscal year ending June 30, 1974, the Secretary shall make breakfast assistance payments, at such times as he may determine, from the sums appropriated therefor, to each State educational agency, in a total amount equal to the result obtained by (1) multiplying the number of breakfasts (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to subsection (e) of this section) served during such fiscal year to children in schools in such States which participate in the breakfast program under this section under agreements with such State educational agency by a national average breakfast payment prescribed by the Secretary for such fiscal year to carry out the purposes of this section; (2) multiplying the number of such breakfasts served free to children eligible for free breakfasts in such schools during such fiscal year by a national average free breakfast payment prescribed by the Secretary for such fiscal year to carry out the purposes of this section; and (3) multiplying the number of reduced price breakfasts served to children eligible for reduced price breakfasts in such schools during such fiscal year by a national average reduced price breakfast payment prescribed by the Secretary for such fiscal year to carry out the provisions of this section: *Provided*, That in any fiscal year the aggregate amount of the breakfast assistance payments made by the Secretary to each State educational agency for any fiscal year shall not be less than the amount of the payments made by the State educational agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section."

Post, p. 726.

(c) Section 4(c) of the Child Nutrition Act (42 U.S.C. 1773(c)) is amended by adding at the end thereof the following sentence: "Breakfast assistance disbursements to schools under this section may be made in advance or by way of reimbursement in accordance with procedures prescribed by the Secretary."

State disbursement to schools. 80 Stat. 886; 85 Stat. 85.

(d) Section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)) is amended to read as follows:

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"(e) Breakfasts served by schools participating in the school breakfast 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 breakfasts shall be served free or at a reduced price to children in school under the same terms and conditions as are set forth with respect to the service of lunches free or at a reduced price in section 9 of the National School Lunch Act."

Post, p. 726.

(e) Section 4(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(f)) is amended to read as follows:

Nonprofit private schools. 80 Stat. 887.

"(f) For the fiscal year ending June 30, 1973, any withholding of funds for and disbursement to nonprofit private schools shall be effected in the manner used prior to such fiscal year. Beginning with the fiscal year ending June 30, 1974, the Secretary shall make payments from the sums appropriated for any fiscal year for the purposes of this section directly to the nonprofit private schools within a State, that participate in the breakfast program under an agreement with the Secretary, for the same purposes and subject to the same conditions as are authorized or required under this section with respect to the disbursements by State educational agencies."

Reimbursement rate.

SEC. 4. (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall until such time as a supplemental appro-

priation may provide additional funds for such purpose use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)), as may be necessary, in addition to the funds available therefor, to carry out the purposes of section 4 of the National School Lunch Act and provide an average rate of reimbursement of not less than 8 cents per meal within each State during the fiscal year 1973. Funds expended under the foregoing provisions of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 4 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

49 Stat. 774.

Infra.

(b) Funds made available pursuant to this section shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced-price lunches and to meet the objective of this section with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act, and such funds shall be apportioned and paid as expeditiously as may be practicable.

Apportionment to States.
76 Stat. 944.
42 USC 1753.

(c) Section 4 of the National School Lunch Act is amended effective after the fiscal year ending June 30, 1973, to read as follows:

84 Stat. 208.
42 USC 1752.
60 Stat. 231.
42 USC 1754.

"SEC. 4. The sums appropriated for any fiscal year pursuant to the authorizations contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other food for the program in accordance with the provisions of this Act. For each fiscal year the Secretary shall make food assistance payments, at such times as he may determine, from the sums appropriated therefor, to each State educational agency, in a total amount equal to the result obtained by multiplying the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary under subsection 9(a) of this Act) served during such fiscal year to children in schools in such State, which participate in the school lunch program under this Act under agreements with such State educational agency, by a national average payment per lunch for such fiscal year determined by the Secretary to be necessary to carry out the purposes of this Act: *Provided*, That in any fiscal year such national average payment shall not be less than 8 cents per lunch and that the aggregate amount of the food assistance payments made by the Secretary to each State educational agency for any fiscal year shall not be less than the amount of the payments made by the State agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section 4."

Infra.

Nonprofit private schools, disbursement.
60 Stat. 233;
84 Stat. 208.

(d) Section 10 of the National School Lunch Act of 1946 (42 U.S.C. 1759) is amended by striking "section 7." at the end thereof and inserting in lieu thereof the following: "section 7: *Provided*, That beginning with the fiscal year ending June 30, 1974, the Secretary shall make payments from the sums appropriated for any fiscal year for the purposes of section 4 of this Act directly to the nonprofit private schools in such State for the same purposes and subject to the same conditions as are authorized or required under this Act with respect to the disbursements by the State educational agencies."

Program requirements.
60 Stat. 233;
82 Stat. 117.
42 USC 1758.
84 Stat. 210;
85 Stat. 420.

SEC. 5. (a) The first sentence of section 9 of the National School Lunch Act is designated as subsection (a) of that section.

(b) The second through the seventh sentences of section 9 of the National School Lunch Act shall be designated as subsection (b) of that section and are amended to read as follows:

"(b) The Secretary, not later than May 15 of each fiscal year, shall prescribe an income poverty guideline setting forth income levels by family size for use in the subsequent fiscal year, and such guideline shall not subsequently be reduced to be effective in such subsequent fiscal year. 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 guideline prescribed by the Secretary shall be served a free lunch. Following the announcement by the Secretary of the income poverty guideline for each fiscal year, each State educational agency shall prescribe the income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a free lunch. 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 guideline 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 such fiscal year in making determinations of those children eligible for a lunch at a reduced price, not to exceed 20 cents, if a school elects to serve reduced-price lunches. Such income guidelines for reduced-price lunches shall be prescribed at not more than 50 per centum above the applicable family-size income levels in the income poverty guideline prescribed by the Secretary, except that any local school authority having income guidelines for free or reduced price lunches which exceed those allowed by this subsection may continue to use such guidelines for determining eligibility until July 1, 1973, if such guidelines were established prior to July 1, 1972. 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. 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 such child by special tokens or tickets, announced or published lists of names, or by other means."

Income poverty guideline.

Discrimination prohibition.

(c) The eighth through the thirteenth sentences of section 9 of the National School Lunch Act shall be designated as subsection (c) of that section and the last sentence of such subsection shall be amended by deleting the phrase "under the provisions of section 10 until such time as the Secretary" and inserting in lieu thereof the following phrase "under this Act until such time as the State educational agency, or in the case of such schools which participate under the provisions of section 10 of this Act the Secretary".

Ante, p. 726.

SEC. 6. (a) The first sentence of section 5(a) of the Child Nutrition Act of 1966, as amended by section 2 of Public Law 91-248, is amended by deleting the phrase "for the fiscal year ending June 30, 1973, not to exceed $15,000,000 and for each succeeding fiscal year, not to exceed $10,000,000" and inserting in lieu thereof the following phrase: "for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, not to exceed $40,000,000 and for each succeeding fiscal year, not to exceed $20,000,000".

Appropriation.

84 Stat. 208.
42 USC 1774.

(b) Section 5(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1774(b)) is amended to read as follows:

Apportionment to States.

"(b) Except for the funds reserved under subsection (e) of this section, the Secretary shall apportion the funds appropriated for the

purposes of this section among the States on the basis of the ratio that the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to section 9 of the National School Lunch Act) served in each State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are apportioned bears to the total number of such lunches served in all States in such preceding fiscal year. If any State cannot utilize all of the funds apportioned to it under the provisions of this subsection, the Secretary shall make further apportionments to the remaining States in the manner set forth in this subsection for apportioning funds among all the 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 subsection shall be borne by funds from sources within the State."

Ante, p. 726.

Nonprofit private schools.
80 Stat. 887.

(c) Section 5(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1774(d)) is amended to read as follows:

"(d) If, in any State, the State educational agency is prohibited by law from administering the program authorized by this section in nonprofit private schools within the State, the Secretary shall administer such program in such private schools. In such event, the Secretary shall withhold from the funds apportioned to any such State under the provisions of subsection (b) of this section an amount which bears the same ratio to such funds as the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to section 9(a) of the National School Lunch Act) served in nonprofit private schools in such State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of such lunches served in all schools within such State in such preceding fiscal year."

Ante, p. 726.

Supra.

(d) Section 5 of the Child Nutrition Act (42 U.S.C. 1774) is amended by adding at the end thereof the following new subsection:

"RESERVE OF FUNDS

"(e) In each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, 50 per centum of the funds appropriated for the purposes of this section shall be reserved by the Secretary to assist schools without a food service. The Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children enrolled in schools without a food service in the State for the latest fiscal year for which the Secretary determines data are available at the time such funds are apportioned to the total number of children enrolled in schools without a food service in all States in such fiscal year. In those States in which the Secretary administers the nonfood assistance program in nonprofit private schools, the Secretary shall 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 in such State for the latest fiscal year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of children enrolled in all schools without food service in such State in such fiscal year. The funds reserved, apportioned, and withheld under the authority of this subsection 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. If any State cannot utilize all the funds apportioned to it under the provisions of this subsection to assist schools in the State without a food service, the Secretary shall make further apportionments to the remaining States in the same manner set forth in this subsection for apportioning funds among all the States and such remaining States, or the Secretary in the case of nonprofit private schools, shall use the additional funds so apportioned or withheld only to assist schools in the State without a food service. Payments to any State of the funds apportioned under the provisions of this paragraph shall be made upon condition that at least one-fourth of the cost of 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 section to assist schools without food service if such schools are especially needy, as determined by the State."

(e) To assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by June 30, 1973.

Equipment survey.

Ante, pp. 727, 728.

Report to Congress.

SEC. 7. After the first sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) add the following new sentence: "Such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of students approved by the schools."

Regulations.

80 Stat. 889; 84 Stat. 212.

60 Stat. 230; 85 Stat. 85.

42 USC 1751 note.

SEC. 8. Section 8 of the National School Lunch Act (42 U.S.C. 1757) is amended by deleting the phrase "reimbursing it for" in the second sentence thereof and inserting in lieu thereof the following: "assisting it to finance" and by adding at the end of such section the following sentence: "Lunch assistance disbursements to schools under this section and under section 11 of this Act may be made in advance or by way of reimbursement in accordance with procedures prescribed by the Secretary."

60 Stat. 232.

84 Stat. 211.

42 USC 1759a.

SEC. 9. The Child Nutrition Act of 1966 is further amended by adding at the end thereof a new section as follows:

80 Stat. 885.

42 USC 1771 note.

"SPECIAL SUPPLEMENTAL FOOD PROGRAM

"SEC. 17. (a) During each of the fiscal years ending June 30, 1973, and June 30, 1974, the Secretary shall make cash grants to the health department or comparable agency of each State for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State serving local health or welfare needs to enable such agencies to carry out a program 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 inadequate nutrition and inadequate income. Such program shall be operated for a two-year period and may be carried out in any area of the United States without regard to whether a food stamp program or a direct food distribution program is in effect in such area.

"(b) In order to carry out the program provided for under subsection (a) of this section during the fiscal year ending June 30, 1973, the Secretary shall use $20,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1974, there is authorized to be appropriated the sum of $20,000,000, but in

49 Stat. 774.

Appropriation.

the event that such sum has not been appropriated for such purpose by August 1, 1973, the Secretary shall use $20,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and $20,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). Any funds expended from such section 32 to carry out the provisions of subsection (a) 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.

49 Stat. 774.

Administrative costs, limitation.

"(c) 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 10 per centum of the Federal funds provided under the authority of this section.

Eligibility.

"(d) The eligibility of persons to participate in the program provided for under subsection (a) of this section shall be determined by competent professional authority. Participants shall be residents of areas served by clinics or other health facilities determined to have significant numbers of infants and pregnant and lactating women at nutritional risk.

Medical records.

"(e) State or local agencies or groups carrying out any program 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.

Reports to Congress.

The Secretary and Comptroller General of the United States shall submit preliminary evaluation reports to the Congress not later than October 1, 1973; and not later than March 30, 1974, submit reports containing an evaluation of the program provided under this section and making recommendations with regard to its continuation.

Definitions.

"(f) As used in this section—

"(1) 'Pregnant and lactating women' when used in connection with the term at 'nutrition risk' includes mothers 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.

"(2) 'Infants' when used in connection with the term 'at nutritional risk' means children under four 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 (at the discretion of the Secretary) children under four 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 risks 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 food product commercially formulated preparation specifically designed for infants.

"(4) 'Competent professional authority' includes physicians, nutritionists, registered nurses, dieticians, 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."

SEC. 10. Section 7 of the National School Lunch Act (42 U.S.C. 1756) is amended by inserting the words "for the preceding fiscal year" after the phrase "per centum of the matching requirement" each time such phrase appears in such section. 60 Stat. 232; 84 Stat. 209.

Approved September 26, 1972.

Public Law 92-434

AN ACT

September 26, 1972
[H. R. 15577]

To give the consent of Congress to the construction of certain international bridges, 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 "International Bridge Act of 1972". International Bridge Act of 1972.

SEC. 2. The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter in this Act referred to as an "international bridge") and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (33 U.S.C. 491–498), except section 6 (33 U.S.C. 496), whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) the provisions of this Act. Bridge construction, consent of Congress. 34 Stat. 84.

SEC. 3. The consent of Congress is hereby granted for a State or a subdivision or instrumentality thereof to enter into agreements— Agreements with Canada and Mexico, consent of Congress.

(1) with the Government of Canada, a Canadian Province, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Canada, or

(2) with the Government of Mexico, a Mexican State, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Mexico,

for the construction, operation, and maintenance of such bridge in accordance with the applicable provisions of this Act. The effectiveness of such agreement shall be conditioned on its approval by the Secretary of State. Secretary of State, approval.

SEC. 4. No bridge may be constructed, maintained, and operated as provided in section 2 unless the President has given his approval thereto. In the course of determining whether to grant such approval, the President shall secure the advice and recommendations of (1) the United States section of the International Boundary and Water Presidential approval.

Commission, United States and Mexico, in the case of a bridge connecting the United States and Mexico, and (2) the heads of such departments and agencies of the Federal Government as he deems appropriate to determine the necessity for such bridge.

Secretary of Transportation, approval.

SEC. 5. The approval of the Secretary of Transportation, as required by the first section of the Act of March 23, 1906 (33 U.S.C. 491), shall be given only subsequent to the President's approval, as provided for in section 4 of this Act, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: *Provided, however*, That the Secretary, for good cause shown, may extend for a reasonable time either or both of the time limits herein provided.

Tolls, collection methods.

SEC. 6. If tolls are charged for the use of an international bridge constructed under this Act, the following provisions shall apply, so far as the United States has jurisdiction, in the case of a bridge constructed or acquired by a private individual, company, or other private entity:

(1) Tolls may be collected from the date of completion of the bridge for a period determined by the Secretary of Transportation to be a reasonable period for amortization of the cost of construction or acquisition of the bridge, including interest and financing costs, and a reasonable return on invested capital.

(2) At the end of such period, the United States portion of the bridge and its approaches, if not previously transferred to a public agency pursuant to section 8, shall become the property of the State having jurisdiction over the United States portion of the bridge, and no further compensation shall be deemed to be due such private individual, company, or other private entity.

Records.

(3) An accurate record of the amount paid for acquiring or constructing the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be reported annually to the Secretary of Transportation. Whenever he may deem advisable, the Secretary of Transportation shall audit, review, and inspect such records, books, accounts, and operations.

Audit.

Tolls, exception.
72 Stat. 902.

SEC. 7. Paragraph (3) of subsection (a) of section 129 of title 23, United States Code, is amended to read as follows:

"(3) after the date of final repayment, the bridge or tunnel shall be maintained or operated as a free bridge or free tunnel; except in the case of a bridge which connects the United States with any foreign country: *Provided*, That such tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management: *And further provided*, That the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.".

Ownership, transfer.

SEC. 8. (a) Nothing in this Act shall be deemed to prevent the individual, corporation, or other entity to which, pursuant to this Act, authorization has been given to construct, operate, and main-

tain an international bridge and the approaches thereto, from selling, assigning, or transferring the rights, powers, and privileges conferred by this Act: *Provided*, That such sale, assignment, or transfer shall be subject to approval by the Secretary of Transportation.

Secretary of Transportation, approval.

(b) Upon the acquisition by a State or States, or by a subdivision or instrumentality thereof, of the right, title, and interest of a private individual, corporation, or other private entity, in and to an international bridge, any license, contract, or order issued or entered into by the Secretary of Transportation, to or with such private individual, corporation, or other private entity, shall be deemed terminated forthwith. Thereafter, the State, subdivision, or instrumentality so acquiring shall operate and maintain such bridge in the same manner as if it had been the original applicant, and the provisions of section 6 of this Act shall not apply.

Rights, preservation.

SEC. 9. This Act shall apply to all international bridges constructed under the authority of this Act. Section 3 of this Act and section 129(a)(3) of title 23, United States Code, as amended by section 7 of this Act, shall apply to all international bridges the construction of which has been heretofore approved by Congress, notwithstanding any conflicting provision in any Act authorizing the construction of such a bridge or in any agreement entered into by the Federal Government and a State.

Applicability.

Ante, p. 732.

SEC. 10. Nothing in this Act shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable waters or any interstate or foreign commerce.

SEC. 11. The Secretary of Transportation shall make a report of all approvals granted by him during the fiscal year pursuant to section 5 of this Act in each annual report of the activities of the Department required by section 11 of the Department of Transportation Act (49 U.S.C. 1658).

Report.

80 Stat. 949.

SEC. 12. The right to alter, amend, or repeal this Act is expressly reserved.

Approved September 26, 1972.

Public Law 92-435

AN ACT

To declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community.

September 26, 1972
[H. R. 10702]

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 lands described as the southeast quarter southeast quarter southeast quarter northwest quarter section 14, township 26 north, range 25 east, and the southwest quarter southwest quarter northwest quarter northwest quarter section 29, township 27 north, range 26 east, principal meridian, Montana, comprising five acres, more or less, are hereby declared to be held by the United States in trust for the Fort Belknap Indian Community of the Fort Belknap Reservation, Montana.

Fort Belknap Indian Community, Mont.
Lands in trust.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1964 (60 Stat. 1050), the extent to which the value of any lands and improvements placed in a trust status under the authority of this Act should or should not be set off against any claim against the United States determined by the Commission.

Claims offset against U.S.
25 USC 70a.

Approved September 26, 1972.

Public Law 92-436

September 26, 1972
[H. R. 15495]

AN ACT

To authorize appropriations during the fiscal year 1973 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 authorize construction at certain installations in connection with the Safeguard antiballistic missile system, 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 for other purposes.

Armed Forces. Appropriation authorization, 1973.

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

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1973 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, $133,800,000; for the Navy and the Marine Corps, $3,073,400,000, of which not to exceed $570,100,000 shall be available for an F–14 aircraft program of not less than 48 aircraft subject to (1) not increasing the ceiling price for the lot V option in the F–14 contract between the Navy and the primary airframe contractor except in accordance with the terms of such contract, including the clause providing for normal technical changes; and (2) the Navy exercising the option for lot V on or before October 1, 1972, or any subsequent date prior to December 31, 1972, as may be mutually agreed upon between the Navy and the contractor without additional cost to the government and within the present contract terms and conditions: *Provided*, That in the event the Secretary of Defense determines that any condition prescribed in clause (1) or (2) cannot be met, he shall report such fact to the Congress within 90 days after such determination together with his recommendations regarding the future of the F–14 program; for the Air Force, $2,283,900,000.

Missiles

For missiles: for the Army, $700,400,000; for the Navy, $769,600,000; for the Marine Corps, $22,100,000; for the Air Force, $1,745,300,000.

Naval Vessels

For naval vessels: for the Navy, $3,179,200,000.

Tracked Combat Vehicles

For tracked combat vehicles: for the Army, $186,500,000; for the Marine Corps, $54,500,000.

Torpedoes

For torpedoes and related support equipment: for the Navy, $194,200,000.

Other Weapons

For other weapons: for the Army, $57,800,000; for the Navy, $25,700,000; for the Marine Corps, $900,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1973 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, $1,978,966,000;

For the Navy (including the Marine Corps), $2,708,817,000;

For the Air Force, $3,272,777,000, of which $48,100,000 is authorized only for the A–X program; and

For the Defense Agencies, $505,987,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1973 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000. Emergency fund.

TITLE III—ACTIVE FORCES

SEC. 301. (a) Subject to the provisions of subsection (b) of this section, for the fiscal year beginning July 1, 1972, and ending June 30, 1973, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 828,900;

(2) The Navy, 601,672;

(3) The Marine Corps, 197,965;

(4) The Air Force, 700,516;

except that the ceiling for any armed force shall not include members of the Ready Reserve of such armed force ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, or members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code. Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, on the first day of the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate. Exceptions. 70A Stat. 28; 72 Stat. 1441. 70A Stat. 199, 525. 70A Stat. 15; 82 Stat. 841. 10 USC 331. Report to Congress.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section for the fiscal year ending June 30, 1973, shall be reduced by not less than 16,000. Such reduction shall be apportioned among the Army, Navy (excluding the Marine Corps), and Air Force in such manner as the Secretary of Defense shall prescribe, except that, in applying any portion of such reduction to any military Reduction.

department, the reduction shall be applied solely to the general support forces of such military department unless the Secretary of Defense (1) determines that the making of such reduction solely from the general support forces of such military department will seriously and adversely affect the military mission of such department, and (2) promptly informs the Congress in writing of his determination and the reasons therefor.

Armed Forces, active duty personnel strength, congressional authorization.
85 Stat. 362.
10 USC 133 note.

SEC. 302. Subsection (d) of section 412 of Public Law 86-149, as added by section 509 of Public Law 91-441 (84 Stat. 913), is amended to read as follows:

"(d) (1) Beginning with the fiscal year which begins July 1, 1972, and for each fiscal year thereafter, the Congress shall authorize the end strength as of the end of each fiscal year for active duty personnel for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the end strength for active duty personnel of such component for such fiscal year has been authorized by law.

Report to Congress.

"(2) Beginning with the fiscal year ending June 30, 1972, the Secretary of Defense shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the annual active duty end strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time. Such justification and explanation shall specify in detail for all forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall also include a detailed discussion of the manpower required for support and overhead functions within the Armed Services."

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1972, and ending June 30, 1973, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 402,333;
(2) The Army Reserve, 261,300;
(3) The Naval Reserve, 129,000;
(4) The Marine Corps Reserve, 45,016;
(5) The Air National Guard of the United States, 87,614;
(6) The Air Force Reserve, 51,296;
(7) The Coast Guard Reserve, 11,800.

SEC. 402. The average strength prescribed by section 401 of this title 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 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—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION—LIMITATIONS ON DEPLOYMENT

Safeguard.

SEC. 501. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

Military family housing, Grand Forks Safeguard site, North Dakota, two hundred and eighteen units, $6,004,000.

(b) Authorization contained in this section shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1973, in the same manner as if such authorizations had been included in that Act.

Post, p. 1135.

Grand Forks AFB, continuation.

Whiteman, Warren and Malmstrom AFB, dismantling and cancellation.

SEC. 502. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of continuing or initiating deployment of an anti-ballistic missile system at any site except Grand Forks Air Force Base, Grand Forks, North Dakota. Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the dismantling of anti-ballistic missile system sites or the cancellation of work at Whiteman Air Force Base, Knob Noster, Missouri, Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Malmstrom Air Force Base, Great Falls, Montana.

Repeal.

(b) Section 403(a) of Public Law 92-156 (85 Stat. 423, 426) is hereby repealed.

TITLE VI—GENERAL PROVISIONS

Funds, availability for Vietnamese forces.

Effective date.

SEC. 601. (a) Effective April 1, 1972, (1) subsection (a)(1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended by section 501 of Public Law 92-156 (85 Stat. 427), is hereby amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof, and (2) section 738(a) of Public Law 92-204 (85 Stat. 734) is amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof.

Effective date.

(b) Effective July 1, 1972, subsection (a)(1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a)(1) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1973 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to mem-

77 Stat. 216; 79 Stat. 547.

bers of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

Cambodia and Laos.

Laos, fund limitation.

SEC. 602. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be expended in any amount in excess of $375,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1973.

"Value."

(b) In computing the $375,000,000 limitation on expenditure authority under subsection (a) of this section in fiscal year 1973, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos, but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) No additional expenditures in excess of the limitation prescribed in subsection (a) of this section may be made for any of the purposes described in such subsection in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1973, unless such expenditures have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall expenditures in any amount in excess of the amount authorized by law for any fiscal year be made for any such purpose during such fiscal year.

(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations in or over Laos by United States and South Vietnamese military forces.

Report to Congress.

(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purposes for which such funds are to be used in such fiscal year.

Report to Congress.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, a written report showing the total amount of expenditures in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purposes.

C-5A aircraft contingency fund, restrictions and controls.

SEC. 603. (a) The amount of $107,600,000 authorized to be appropriated by this Act for the development and procurement of the C–5A aircraft may be expended only for the reasonable and allocable direct

and indirect costs incurred by the prime airframe contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs in excess of $4,400,000 on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $107,600,000 may not be allocated to other portions of the C–5A aircraft contract or to any other contract with the United States, but payments to C–5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such $107,600,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

Defense Department and GAO audits.

Report to Congress.

(c) The restrictions and controls provided for in this section with respect to the $107,600,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 604. Section 412 of Public Law 86–149, as amended, is further amended by adding the following new subsection:

Military training student loads, congressional authorization.
Ante, p. 736.

"(e) (1) Beginning with the fiscal year which begins July 1, 1973, and for each fiscal year thereafter, the Congress shall authorize the average military training student loads for each component of the Armed Forces. Such authorization shall not be required for unit or crew training student loads, but shall be required for student loads for the following individual training categories: recruit and specialized training; flight training; professional training in military and civilian institutions; and officer acquisition training; and no funds may be appropriated for any fiscal year beginning on or after such date for the use of training any military personnel in the aforementioned categories of any component of the Armed Forces unless the average student load of such component for such fiscal year has been authorized by law.

"(2) Beginning with the fiscal year ending June 30, 1973, the Secretary of Defense shall submit to the Congress a written report not later than March 1 of each fiscal year recommending the average student load for each category of training for each component of the Armed Forces for the next three fiscal years and shall include in such report justification for and explanation of the average student loads recommended."

Report to Congress.

Submarine duty pay.
80 Stat. 1121.

SEC. 605. Section 301(a)(2)(A) of title 37, United States Code, is amended to read as follows:

"(A) during one calendar month: 48 hours; however, hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month;".

Funds to campuses barring military recruiters, prohibition.

SEC. 606. (a) No part of the funds appropriated pursuant to this or any other Act for the Department of Defense or any of the Armed Forces may be used at any institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution:

Exception.

except in a case where the Secretary of the service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States.

(b) The prohibition made by subsection (a) of this section as it applies to research and development funds shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous program with such institution which is likely to make a significant contribution to the defense effort.

(c) The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31 and June 30 thereafter the names of any institution of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section.

Limitation.

SEC. 607. None of the funds authorized for appropriation to the Department of Defense pursuant to this Act shall be obligated under a contract entered into after the date of enactment of this Act under any multi-year procurement as defined in section 1-322 of the Armed Services Procurement Regulations (as in effect on the date of enactment of this Act) where the cancellation ceiling for such procurement is in excess of $5,000,000.

Israel, aircraft sales, extension.

SEC. 608. Notwithstanding any other provision of law, the authority provided in section 501 of Public Law 91-441 (84 Stat. 909) is hereby extended until December 31, 1973.

Approved September 26, 1972.

Public Law 92-437

September 29, 1972
[H. R. 2589]

AN ACT

To amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form.

U.S. Courts.
Juror qualification forms.
82 Stat. 61.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (h) of section 1869 of title 28, United States Code, is amended to read as follows:

Definition.

"(h) 'juror qualification form' shall mean a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, which shall elicit the name, address, age, race, occupation, education,

length of residence within the judicial district, distance from residence to place of holding court, prior jury service, and citizenship of a potential juror, and whether he should be excused or exempted from jury service, has any physical or mental infirmity impairing his capacity to serve as juror, is able to read, write, speak, and understand the English language, has pending against him any charge for the commission of a State or Federal criminal offense punishable by imprisonment for more than one year, or has been convicted in any State or Federal court of record of a crime punishable by imprisonment for more than one year and has not had his civil rights restored by pardon or amnesty. The form shall request, but not require, any other information not inconsistent with the provisions of this title and required by the district court plan in the interests of the sound administration of justice. The form shall also elicit the sworn statement that his responses are true to the best of his knowledge. Notarization shall not be required. The form shall contain words clearly informing the person that the furnishing of any information with respect to his religion, national origin, or economic status is not a prerequisite to his qualification for jury service, that such information need not be furnished if the person finds it objectionable to do so, and that information concerning race is required solely to enforce nondiscrimination in jury selection and has no bearing on an individual's qualification for jury service."

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment. Effective date.

Approved September 29, 1972.

Public Law 92-438

AN ACT

September 29, 1972
[H. R. 9032]

To provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, 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 funds appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment to the Havasupai Tribe in Indian Claims Commission docket numbered 91, together with interest thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Indians. Havasupai Tribe. Judgment funds, disposition.

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Tax exemption.

SEC. 3. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of such persons. Minor enrollees, protection of interests.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to effect the provisions of this Act. Rules and regulations.

Approved September 29, 1972.

Public Law 92-439

September 29, 1972
[H. R. 6575]

AN ACT

To amend the Act entitled "An Act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma", approved October 31, 1967 (81 Stat. 337).

Indians.
Cheyenne-Arapaho Tribes, Okla.
Judgment funds, disposition.
25 USC 1163.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a), (b), and (c) of section 3 of the Act entitled "An Act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma", approved October 31, 1967 (81 Stat. 337), are amended to read as follows:

"(a) A share payable to an enrollee not less than eighteen years of age shall be paid directly in one payment to such enrollee, except as provided in subsections (b) and (c) of this section;

"(b) A share payable to an enrollee dying after the date of this Act shall be distributed to his heirs or legatees upon the filing of proof of death and inheritance satisfactory to the Secretary of the Interior, or his authorized representative, whose findings and determinations upon such proof shall be final and conclusive: *Provided*, That if a share of such deceased enrollee, or a portion thereof, is payable to an heir or legatee under eighteen years of age or to an heir or legatee under legal disability other than because of age, the same shall be paid and held in trust pursuant to subsection (c) of this section;

"(c) A share or proportional share payable to an enrollee or person under eighteen years of age or to an enrollee or person under legal disability other than because of age shall be paid and held in trust for such enrollee or person pursuant to a trust agreement to be made and entered into by and between the Cheyenne-Arapaho Tribes of Oklahoma, as grantor, and a national banking association located in the State of Oklahoma, as Trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior. The Secretary of the Interior is authorized to approve amendments to trust agreements entered into pursuant to the Act of October 31, 1967 (81 Stat. 337), to permit the distribution of assets to, and the termination of trusts for, minor beneficiaries, not under other legal disability, who have attained or who shall hereafter attain the age of eighteen years."

Approved September 29, 1972.

Public Law 92-440

September 29, 1972
[H. R. 14974]

AN ACT

To amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards.

Southern and Western Interstate Nuclear Boards.
Federal representatives, compensation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 3 of the Act entitled "An Act granting the consent of Congress to the Southern Interstate Nuclear Compact, and for related purposes", approved July 31, 1962 (76 Stat. 249), is amended to read as follows: "He shall be compensated for each day of service rendered in such capacity in an amount fixed by the President not to exceed the daily equivalent of the maximum rate for grade GS–18 of the General Schedule prescribed in section 5332 of title 5, United States Code: *Provided*, That if the representative be an employee of the United States, he shall serve without such additional compensation.".

5 USC 5332 note.

SEC. 2. The third sentence of section 3 of the Act entitled "An Act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes", approved October 16, 1970 (84 Stat. 979), is amended to read as follows: "He shall be compensated for each day of service rendered in such capacity in an amount fixed by the President not to exceed the daily equivalent of the maximum rate for grade GS–18 of the General Schedule prescribed in section 5332 of title 5, United States Code: *Provided*, That if the representative be an employee of the United States, he shall serve without such additional compensation.". 5 USC 5332 note.

Approved September 29, 1972.

Public Law 92-441

AN ACT

September 29, 1972
[H. R. 2185]

To declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians.

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 northwest quarter, northwest quarter, section 35, township 41 north, range 5 east, fourth principal meridian, Wisconsin, containing forty acres, more or less, including improvements thereon, is hereby declared to be held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, subject to valid existing rights-of-way of record and to the continued use of the fire observation tower located on the above-described land by the State of Wisconsin, for so long as it is needed for fire protection purposes. Indians. Lac du Flambeau Band, Wis. Lands in trust.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission. Claims offset against U.S. 25 USC 70a.

Approved September 29, 1972.

Public Law 92-442

AN ACT

September 29, 1972
[S. 2478]

To provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission docket numbered 326–I, 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 funds on deposit in the United States Treasury to the credit of the Lemhi Tribe, represented by the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, appropriated by the Act of May 25, 1971 (Public Law 92–18), to pay a judgment of $4,500,000 entered by the Indian Claims Commission in docket numbered 326–I, and interest thereon less attorneys' fees and expenses shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for the claims of said tribes enumerated in docket numbered 326–I. Indians. Shoshone-Bannock Tribes, Idaho. Judgment funds, disposition. 85 Stat. 40.

82-081 O - 73 - 50

SEC. 2. The funds credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation pursuant to section 1, may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

Tax exemption.

SEC. 3. None of the funds distributed per capita to members of the tribes under the provisions of this Act shall be subject to Federal or State income taxes. A share or interest payable to enrollees less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

Approved September 29, 1972.

Public Law 92-443

September 29, 1972
[H. R. 10436]

AN ACT

To provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes.

Indians.
Nez Perce Tribe, Idaho.
Inheritance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a person who is not an enrolled member of the Nez Perce Tribe of Idaho with one-fourth degree or more blood of such Tribe shall not be entitled to receive by devise or inheritance any interest in trust or restricted land within the Nez Perce Indian Reservation or within the area ceded by the Treaty of June 11, 1855 (12 Stat. 957), if, while the decedent's estate is pending before the Examiner of Inheritance, the Nez Perce Tribe of Idaho pays to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which such payment is made shall be held by the Secretary in trust for the Nez Perce Tribe of Idaho.

SEC. 2. On request of the Nez Perce Tribe of Idaho the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

SEC. 3. When a person who is prohibited by section 1 from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Nez Perce Tribe of Idaho shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under section 1.

SEC. 4. The provisions of this Act shall apply to all estates pending before the Examiner of Inheritance on the date of this Act and to all future estates, but shall not apply to any estate heretofore closed.

Approved September 29, 1972.

Public Law 92-444

September 29, 1972
[H. R. 12207]

AN ACT

To authorize a program for the development of tuna and other latent fisheries resources in the Central, Western, and South Pacific Ocean.

Central, Western, and South Pacific Fisheries Development Act.

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 "Central, Western, and South Pacific Fisheries Development Act".

SEC. 2. The Secretary of Commerce (hereafter referred to in this Act as the "Secretary") is authorized to carry out, directly or by contract, a three-year program for the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean. The program shall include, but not be limited to, exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development; biological resource monitoring; and an economic evaluation of the potential for tuna and other fisheries in such area.

Cooperation with certain governments.

SEC. 3. In carrying out the purposes of this Act, the Secretary shall consult, and may otherwise cooperate, with the Secretary of the Interior, the State of Hawaii and other affected States, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, educational institutions, and the commercial fishing industry.

Report to President and Congress.

SEC. 4. The Secretary shall submit to the President and the Congress, not later than June 30, 1976, a complete report with respect to his activities pursuant to this Act, the results of such activities, and any recommendations he may have as a result of such activities.

Regulations.

SEC. 5. The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this Act. Any contract entered into pursuant to section 2 of this Act shall be subject to such terms and conditions as the Secretary deems necessary and appropriate to protect the interests of the United States.

"Central, Western, and South Pacific Ocean."

SEC. 6. As used in this Act, the term "Central, Western, and South Pacific Ocean" means that area of the Pacific Ocean between latitudes 30 degrees north to 30 degrees south and from longitudes 120 degrees east to 130 degrees west.

Appropriation.

SEC. 7. There is authorized to be appropriated for the period beginning July 1, 1973, and ending June 30, 1976, the sum of $3,000,000 to carry out the purposes of this Act. Sums appropriated pursuant to this section shall remain available until expended.

Approved September 29, 1972.

Public Law 92-445

AN ACT

September 29, 1972
[H. R. 7616]

To amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard.

National Guard.
Claims against U.S., application of local law.
74 Stat. 878.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 715(b) of title 32, United States Code, is amended by striking out "; and" at the end of clause (4) and inserting in place thereof ", or, if so caused, allowed only to the extent that the law of the place where the act or omission complained of occurred would permit recovery from a private individual under like circumstances; and".

Approved September 29, 1972.

Public Law 92-446

September 29, 1972
[H. J. Res. 1306]

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1973, and for other purposes.

Continuing appropriations, 1973.
Ante, p. 563.

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 July 1, 1972 (Public Law 92-334), as amended, is hereby further amended by striking out "September 30, 1972" and inserting in lieu thereof "October 14, 1972".

Approved September 29, 1972.

Public Law 92-447

September 29, 1972
[H. R. 9135]

AN ACT

To amend the Act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden.

Pacific Tropical Botanical Garden.
78 Stat. 497.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Act entitled "An Act to charter by Act of Congress the Pacific Tropical Botanical Garden", approved August 19, 1964 (Public Law 88-449), is amended by striking out the second sentence.

Approved September 29, 1972.

Public Law 92-448

September 30, 1972
[H. J. Res. 1227]

JOINT RESOLUTION

Approval and authorization for the President of the United States to accept an Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms.

U.S.-U.S.S.R. Strategic arms limitation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby endorses those portions of the Declaration of Basic Principles of Mutual Relations Between the United States of America and the Union of Soviet Socialist Republics signed by President Nixon and General Secretary Brezhnev at Moscow on May 29, 1972, which relate to the dangers of military confrontation and which read as follows:

"The United States of America and the Union of Soviet Socialist Republics attach major importance to preventing the development of situations capable of causing a dangerous exacerbation of their relations . . ." and "will do their utmost to avoid military confrontations and to prevent the outbreak of nuclear war" and "will always exercise restraint in their mutual relations," and "on outstanding issues will conduct" their discussions and negotiations "in a spirit of reciprocity, mutual accommodation and mutual benefit." and

"Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives," and

"The prerequisites for maintaining and strengthening peaceful relations between the United States of America and the Union of Soviet Socialist Republics are the recognition of the security interests of the parties based on the principle of equality and the renunciation of the use or threat of force.".

SEC. 2. The President is hereby authorized to approve on behalf of the United States the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, and the protocol related thereto, signed at Moscow on May 26, 1972, by Richard Nixon, President of the United States of America and Leonid I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union.

SEC. 3. The Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance under present world conditions of a vigorous research and development and modernization program as required by a prudent strategic posture.

SEC. 4. The Congress hereby commends the President for having successfully concluded agreements with the Soviet Union limiting the production and deployment of antiballistic missiles and certain strategic offensive armaments, and it supports the announced intention of the President to seek further limits on the production and deployment of strategic armaments at future Strategic Arms Limitation Talks. At the same time, the Senate takes cognizance of the fact that agreements to limit the further escalation of the arms race are only preliminary steps, however important, toward the attainment of world stability and national security. The Congress therefore urges the President to seek at the earliest practicable moment Strategic Arms Reduction Talks (SART) with the Soviet Union, the People's Republic of China, and other countries, and simultaneously to work toward reductions in conventional armaments, in order to bring about agreements for mutual decreases in the production and development of weapons of mass destruction so as to eliminate the threat of large-scale devastation and the ever-mounting costs of arms production and weapons modernization, thereby freeing world resources for constructive, peaceful use.

SEC. 5. Pursuant to paragraph six of the Declaration of Principles of Nixon and Brezhnev on May 29, 1972, which states that the United States and the Union of Soviet Socialist Republics: "will continue to make special efforts to limit strategic armaments. Whenever possible, they will conclude concrete agreements aimed at achieving these purposes"; Congress considers that the success of the interim agreement and the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing a first strike potential.

Approved September 30, 1972.

Public Law 92-449

September 30, 1972
[S. 3442]

AN ACT

To amend the Public Health Service Act to extend and revise the program of assistance under that Act for the control and prevention of communicable diseases.

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

Communicable Disease Control Amendments Act of 1972.

SECTION 1. This Act may be cited as the "Communicable Disease Control Amendments Act of 1972".

TITLE I—COMMUNICABLE DISEASE CONTROL PROGRAMS

84 Stat. 988.
42 USC 247b.

SEC. 101. Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended to read as follows:

"GRANTS FOR VACCINATION PROGRAMS AND OTHER COMMUNICABLE DISEASE CONTROL PROGRAMS

"SEC. 317. (a) The Secretary may make grants to States and, in consultation with the State health authority, to agencies and political subdivisions of States to assist in meeting the costs of communicable disease control programs. In making a grant under this section, the Secretary shall give consideration to (1) the relative extent, in the area served by the applicant for the grant, of the problems which relate to one or more of the communicable diseases referred to in subsection (h)(1), and (2) the design of the applicant's communicable disease program to determine its effectiveness.

Application submission.

"(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Except as provided in paragraph (2), such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

Application requirements.

"(2) An application for a grant for a fiscal year beginning after June 30, 1973, shall—

"(A) set forth with particularity the objectives (and their priorities, as determined in accordance with such regulations as the Secretary may prescribe) of the applicant for each of the programs he proposes to conduct with assistance from a grant under this section;

"(B) contain assurances satisfactory to the Secretary that, in the fiscal year for which a grant under this section is applied for, the applicant will conduct such programs as may be necessary to develop an awareness in those persons in the area served by the applicant who are most susceptible to the diseases referred to in subsection (h)(1) of the importance of immunization against such diseases, to encourage such persons to seek appropriate immunization, and to facilitate access by such persons to immunization services; and

"(C) provide for the reporting to the Secretary of such information as he may require concerning (i) the problems, in the area served by the applicant, which relate to any communicable disease referred to in subsection (h)(1), and (ii) the communicable disease control programs of the applicant.

"(3) Nothing in this section shall be construed to require any State or any agency or political subdivision of a State to have a communicable disease control program which would require any person, who objects to any treatment provided under such a program, to be treated

or to have any child or ward of his treated under such a program.

"(c)(1) Payments under grants under this section may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section. Payments.

"(2) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents) or equipment furnished to such recipient and by the amount of the pay, allowances, travel expenses, and any other costs in connection with the detail of an officer or employee of the Government to the recipient when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of such grant is based. Grant reduction.

"(d)(1) There is authorized to be appropriated $11,000,000 for the fiscal year ending June 30, 1973, $11,000,000 for the fiscal year ending June 30, 1974, and $11,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs for tuberculosis. Appropriations.

"(2) There is authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1973, $6,000,000 for the fiscal year ending June 30, 1974, and $6,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs for measles.

"(3) There is authorized to be appropriated $23,000,000 for the fiscal year ending June 30, 1973, $23,000,000 for the fiscal year ending June 30, 1974, and $23,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs other than communicable disease control programs for which appropriations are authorized by paragraph (1) or (2).

"(4) Not to exceed 50 per centum of the amount appropriated for any fiscal year under any of the preceding paragraphs of this subsection may be used by the Secretary for grants for such fiscal year under (A) programs for which appropriations are authorized under any one or more of the other paragraphs of this subsection if the Secretary determines that such use will better carry out the purposes of this section, and (B) section 318. Limitation.

Post, p. 751.

"(e) The Secretary shall develop a plan under which personnel, equipment, medical supplies, and other resources of the Service and other agencies under his jurisdiction may be effectively utilized to meet epidemics of, or other health emergencies involving, any disease referred to in subsection (h)(1). There is authorized to be appropriated to the Secretary $5,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $5,000,000 for the fiscal year ending June 30, 1975, for costs incurred in utilizing such resources in accordance with such plan. Emergency plan development. Appropriation.

"(f)(1) Except as provided in section 318(g), no funds appropriated under any provision of this Act other than subsection (d) may be used to make grants in any fiscal year for communicable disease control programs if (A) grants for such programs are authorized by this section, and (B) all the funds authorized to be appropriated under that subsection for that fiscal year have not been appropriated for that fiscal year and obligated in that fiscal year.

Post, p. 754.

"(2) No funds appropriated under any provision of this Act other than subsection (e) may be used in any fiscal year for costs incurred in utilizing resources of the Service in accordance with a plan developed in accordance with that subsection if all the funds authorized to be appropriated under that subsection for that fiscal year have not been appropriated for that fiscal year and obligated in that fiscal year.

Annual report to President, submittal to Congress.

"(g) The Secretary shall submit to the President for submission to the Congress on January 1 of each year a report (1) on the effectiveness of all Federal and other public and private activities in preventing and controlling the diseases referred to in subsection (h)(1), (2) on the extent of the problems presented by such diseases, (3) on the effectiveness of the activities, assisted under grants under this section, in preventing and controlling such diseases, and (4) setting forth a plan for the coming year for the prevention and control of such diseases.

Definitions.

"(h) For the purposes of this section:

"(1) The term 'communicable disease control program' means a program which is designed and conducted so as to contribute to national protection against tuberculosis, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough, or other communicable diseases (other than venereal disease) which are transmitted from State to State, are amenable to reduction, and are determined by the Secretary to be of national significance. Such term includes vaccination programs, laboratory services, and studies to determine the communicable disease control needs of States and political subdivisions of States and the means of best meeting such needs.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(i) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to an agency or a political subdivision of a State under provisions of Federal law (other than this Act) and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this section."

Effective date.

SEC. 102. The amendment made by section 101 of this title shall apply to grants made under section 317 of the Public Health Service Act after June 30, 1972, except that subsection (d) of such section as amended by section 101 shall take effect on the date of enactment of this Act.

TITLE II—VENEREAL DISEASE PREVENTION AND CONTROL

Citation of title.

SEC. 201. This title may be cited as the "National Venereal Disease Prevention and Control Act".

Congressional findings.

SEC. 202. (a) The Congress finds and declares that—

(1) the number of reported cases of venereal disease has reached epidemic proportions in the United States;

(2) the number of patients with venereal disease reported to public health authorities is only a fraction of those treated by physicians;

(3) the incidence of venereal disease is particularly high among individuals in the 20–24 age group, and in metropolitan areas;

(4) venereal disease accounts for needless deaths and leads to such severe disabilities as sterility, insanity, blindness, and crippling conditions;

(5) the number of cases of congenital syphilis, a preventable disease, in infants under one year of age increased by 33⅓ per centum between 1970 and 1971;

(6) health education programs in schools and through the mass media may prevent a substantial portion of the venereal disease problem; and

(7) medical authorities have no successful vaccine for syphilis or gonorrhea and no blood test for the detection of gonorrhea among the large reservoir of asymptomatic females.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the prevention and control of venereal disease.

SEC. 203. Part B of title III of the Public Health Service Act is amended by adding immediately after section 317 thereof the following new section:

58 Stat. 693. 42 USC 243. *Ante*, p. 748.

"PROJECTS AND PROGRAMS FOR THE PREVENTION AND CONTROL OF VENEREAL DISEASE

"SEC. 318. (a) The Secretary may provide technical assistance to appropriate public authorities and scientific institutions for their research, training, and public health programs for the prevention and control of venereal disease.

Technical assistance.

"(b)(1) The Secretary is authorized to make grants to States, political subdivisions of States, and any other public or nonprofit private entity for projects for the conduct of research, demonstrations, and training for the prevention and control of venereal disease.

Grants.

"(2) For the purpose of carrying out this subsection, there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years.

Appropriations.

"(c)(1) There is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years, to enable the Secretary to make grants to State health authorities to assist the States in establishing and maintaining adequate public health programs for the diagnosis and treatment of venereal disease. For purposes of this subsection, the term 'State' means each of the several States of the United States, the District of Columbia, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico.

"State."

"(2) Any State desiring to receive a grant under this subsection shall submit to the Secretary a State plan for a public health program for the diagnosis and treatment of venereal disease. Each State plan shall—

State plan requirements.

"(A) provide for the administration or supervision of administration of the State plan by the State health authority;

"(B) set forth the policies and procedures to be followed in the expenditure of the funds paid to the State under this subsection;

"(C) provide that the public health services furnished under the State plan will include the provision of Statewide laboratory services (including dark field microscope techniques for the diagnosis of both gonorrhea and syphilis), which services will be provided in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services;

"(D) contain or be supported by assurances satisfactory to the Secretary that (i) not less than 70 per centum of the funds paid to the State under this subsection will be used to provide and strengthen public health services in its political subdivisions for the diagnosis and treatment of venereal disease; (ii) such funds

will be used to supplement and, to the extent practical, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided under this subsection and will not supplant any non-Federal funds which would otherwise be available for such purposes; and (iii) the plan is compatible with the total health program of the State;

Review. "(E) provide that the State health authority will from time to time, but not less often than annually, review and evaluate its State plan approved under this subsection, and submit to the Secretary appropriate modifications thereof;

Reports. "(F) provide that the State health authority will make such reports, in such form and containing such information, as the

Recordkeeping. Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(G) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this subsection; and

"(H) contain such additional information and assurances as the Secretary may find necessary to carry out the purposes of this subsection.

Approval. The Secretary shall approve any State plan and any modification thereof which meets the requirements of this paragraph.

State allotments. "(3)(A) Grants under this subsection shall be made from allotments to States made in accordance with this paragraph. For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated under paragraph (1) for such year among the States on the basis of the incidence of venereal disease in, and the population of, the respective States; except that no State's allotment shall be less than $75,000 for any fiscal year.

Limitation.

Unobligated funds. "(B) Any amount allotted to a State (other than the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico) under subparagraph (A) for a fiscal year and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this subsection, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subparagraph (A) to the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Commonwealth of Puerto Rico for a fiscal year and remaining unobligated at the end of such year shall remain available to it for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purposes for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the

Reallotment.

close of the second of such next two years, to any other of such named States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this subsection, and any amount so reallotted to any such named State shall be in addition to any other amounts allotted and available to it for the same period.

Amount, limitation.

"(4) The amount of any grant under this subsection for public health programs under an approved State plan shall be determined by the Secretary, except that no grant for any such program may exceed 90 per centum of its cost (as determined under regulations of the Secretary). Payments under grants under this subsection shall be made from time to time in advance on the basis of estimates by the Secretary or by way of reimbursement, with necessary adjustments on account of previous underpayments or overpayments.

Advance payments.

Project grants to States.

"(d) (1) The Secretary is authorized to make project grants to States and, in consultation with the State health authority, to political subdivisions of States, for—

"(A) venereal disease surveillance activities, including the reporting, screening, and followup of diagnostic tests for, and diagnosed cases of, venereal disease;

"(B) casefinding and case followup activities respecting venereal disease, including contact tracing of infectious cases of venereal disease;

"(C) interstate epidemiologic referral and followup activities respecting venereal disease;

"(D) professional and public venereal disease education activities; and

"(E) such special studies or demonstrations to evaluate or test venereal disease control as may be prescribed by the Secretary.

Appropriation.

"(2) For the purpose of carrying out this subsection, there is authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

Terms and conditions.

"(e) (1) Grants made under subsection (b) or (d) of this section shall be made on such terms and conditions as the Secretary finds necessary to carry out the purposes of such subsection, and payments under any such grants shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary.

Recordkeeping.

"(2) Each recipient of a grant under this section 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 grant, the total cost of the project or undertaking in connection with which such grant was 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.

Audit.

"(3) 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 grants under this section that are pertinent to such grants.

Grant reduction.

"(4) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies or equipment furnished to such recipient and by the amount of pay, allowances, travel expenses, and any other costs in connection with the detail of an officer or employee of the United States to the recipient when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for

payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based; and, in the case of a grant under subsection (c), such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of that subsection, be deemed to have been paid to such recipient.

Information disclosure.

"(5) All information obtained in connection with the examination, care, or treatment of any individual under any program which is being carried out with a grant made under this section shall not, without such individual's consent, be disclosed except as may be necessary to provide service to him. Information derived from any such program may be disclosed—

"(A) in summary, statistical, or other form, or

"(B) for clinical or research purposes,

but only if the identity of the individuals diagnosed or provided care or treatment under such program is not disclosed.

Ante, p. 749.

"(f) Except as provided in section 317(d)(4), no funds appropriated under any provision of this Act other than this section may be used to make grants in any fiscal year for programs or projects respecting venereal disease if (1) grants for such programs or projects are authorized by this section, and (2) all the funds authorized to be appropriated under this section for that fiscal year have not been appropriated for that fiscal year and obligated in that fiscal year.

Limitation.

"(g) Not to exceed 50 per centum of the amounts appropriated for any fiscal year under subsections (b), (c), and (d) of this section may be used by the Secretary for grants for such fiscal year under section 317.

Ante, p. 748.

"(h) Nothing in this section shall be construed to require any State or any political subdivision of a State to have a venereal disease program which would require any person, who objects to any treatment provided under such a program, to be treated or to have any child or ward of his treated under such a program."

TITLE III—PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

84 Stat. 1506.
42 USC 300.

SEC. 301. Section 1001(c) of the Public Health Service Act is amended by striking out "$90,000,000" and inserting "$111,500,000" in lieu thereof.

Approved September 30, 1972.

Public Law 92-450

September 30, 1972
[H. J. Res. 1304]

JOINT RESOLUTION

Authorizing the President to proclaim October 1, 1972, as "National Heritage Day".

National Heritage Day.
Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating Sunday, October 1, 1972, as "National Heritage Day", and calling upon the people of the United States, all of us immigrants, to observe such day with appropriate ceremonies and activities.

Approved September 30, 1972.

Public Law 92-451

AN ACT

October 2, 1972
[H. R. 13697]

To amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

Coast Guard.
Flag officers.

(1) The first sentence of section 41 is amended by striking out "a vice admiral" and inserting in lieu thereof "vice admirals".

70A Stat. 620.

(2) The first sentence of subsection (e) of section 42 is amended by inserting the words "or excluded under the provisions of section 9(d)(1) of the Department of Transportation Act (80 Stat. 944; 49 U.S.C. 1657)," between the words "basis" and "shall".

77 Stat. 174.

(3) The second sentence of section 44 is amended by striking out the words "in the grade of captain or above" and inserting in lieu thereof the words "above the grade of captain".

77 Stat. 175.

(4) Section 47 is amended by striking out the word "Assistant" wherever it appears preceding the word "Commandant" and inserting in lieu thereof the word "Vice"; by striking out the words "in the grade of captain or above" in the second sentence of subsection (a) and inserting in lieu thereof the words "above the grade of captain"; and by striking out the word "An" in subsection (b) and inserting in lieu thereof the word "A".

74 Stat. 144; 80 Stat. 195.

(5) By adding the following new sections at the end of chapter 3:

14 USC 41.

"§ 50. Area commanders

"(a) The President may appoint, by and with the advice and consent of the Senate, a Commander, Atlantic Area, and a Commander, Pacific Area, each of whom shall be an intermediate commander between the Commandant and the district commanders in his respective area and shall perform such duties as the Commandant may prescribe. The area commanders shall be appointed from officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for such appointments.

"(b) An area commander shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment of an area commander is effective on the date the officer assumes that duty, and terminates on the date he is detached from that duty.

"§ 51. Retirement

"(a) An officer who, while serving as Commander, Atlantic Area, or Commander, Pacific Area, is retired for physical disability shall be placed on the retired list with the grade and retired pay of vice admiral.

"(b) An officer who is retired while serving as Commander, Atlantic Area, or Commander, Pacific Area, or who, after serving at least two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the grade and retired pay of vice admiral.

"(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade and with the retired pay of that grade."

(6) The first sentence of section 287 is amended by striking out the word and figures "or 289" and by inserting in lieu thereof the word and figures "289, or 290".

77 Stat. 185.

77 Stat. 187.
14 USC 290.

(7) Section 290 is amended to read as follows:

"§ 290. Rear admirals; continuation on active duty; involuntary retirement

"(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of rear admiral is subject to consideration for continuation during a fiscal year in which he completes not less than four or more than five years service in that grade.

"(b) The Secretary shall, based upon the needs of the service, furnish each board convened under this section with the number of officers to be considered for continuation on active duty. The number that may be recommended for continuation shall be not less than 50 per centum or more than 75 per centum of the number of officers being considered for continuation.

77 Stat. 179.

"(c) The provisions of sections 253, 254, 258, and 260 of this title relating to selection and continuation boards shall to the extent they are not inconsistent with the provisions of this section, apply to boards convened under this section.

Report to Secretary, submittal to President.

"(d) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval.

"(e) Each officer who is considered but not continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which the report of the continuation board convened under this section is approved.

"(f) Each officer who is continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which he completes a total of thirty-six years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, 434 of this title.

63 Stat. 526; 64 Stat. 978.

"(g) Notwithstanding subsection (f) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from fiscal year to fiscal year any officer who would otherwise be retired under subsection (f). An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that fiscal year in which no action is taken to further retain him under this subsection."

(8) The analysis of chapter 3 is amended by striking out:

"47. Assistant Commandant; assignment; retirement."

and inserting in lieu thereof:

"47. Vice Commandant; assignment; retirement.
"50. Area commanders.
"51. Retirement.".

(9) The analysis of chapter 11 is amended by striking out:

"290. Rear admirals; retention on the active list; involuntary retirement."

and inserting in lieu thereof:

"290. Rear admirals; continuation on active duty; involuntary retirement.".

SEC. 2. Subsection (f) of section 202 of title 37, United States Code, is amended to read as follows: 76 Stat. 454.

"(f) The number of rear admirals on the active list of the Coast Guard entitled to the basic pay of a rear admiral of the upper half is one-half of the number of officers on the active list in grades above captain, less the number of officers serving in grades above rear admiral. If the division results in an odd number, the odd number shall be placed in the upper half. However, an officer who is entitled to the basic pay of a rear admiral of the upper half may not have his basic pay reduced solely because the number of rear admirals is reduced."

INTERIM PROVISIONS

SEC. 3. This Act is effective upon enactment except that continuation boards, pursuant to subsection (a) of section 290 of title 14, United States Code, as amended by this Act, may not be held until one year following enactment hereof. During the period of one year following enactment hereof the Secretary of the Department in which the Coast Guard is operating shall convene a board consisting of not less than three Coast Guard officers serving in the grade of vice admiral to recommend for continuation on active duty Coast Guard officers on the active duty promotion list serving in the grade of rear admiral, who during the fiscal year in which the board meets will complete not less than five years' service in that grade. Subsections (b) through (g) of section 290 and other sections of title 14, United States Code, as amended by this Act, apply to continuation board action taken pursuant to this section. No officer who is entitled to the basic pay of a rear admiral of the upper half may have his basic pay reduced because of the reduction which results from this Act in the number of officers entitled to the basic pay of a rear admiral of the upper half. Effective date. *Ante*, p. 756.

Approved October 2, 1972.

Public Law 92-452

JOINT RESOLUTION

October 2, 1972
[H. J. Res. 135]

To authorize the President to issue a proclamation designating the week in November of 1972 which includes Thanksgiving Day as "National Family Week".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week beginning on the Sunday preceding the fourth Thursday in November of 1972 as "National Family Week" and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such day with appropriate ceremonies and activities. National Family Week. Designation authorization.

Approved October 2, 1972.

Public Law 92-453

October 2, 1972
[H. R. 7614]

AN ACT

To amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 165 of title 10, United States Code, is amended—

Uniformed services; National Guard.
Erroneous payments, waiver of claims.
70A Stat. 155; 76 Stat. 94.
10 USC 2771.

(1) by adding the following new section:

"§ 2774. Claims for overpayment of pay and allowances, other than travel and transportation allowances

"(a) A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation allowances, made before or after the effective date of this section, to or on behalf of a member or former member of the uniformed services, as defined in section 101(3) of title 37, the collection of which would be against equity and good conscience and not in the best interest of the United States, may be waived in whole or in part by—

76 Stat. 451; 80 Stat. 1121.

"(1) the Comptroller General; or

"(2) the Secretary concerned, as defined in section 101(5) of title 37, when—

"(A) the claim is in an amount aggregating not more than $500;

"(B) the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official; and

"(C) the waiver is made in accordance with standards which the Comptroller General shall prescribe.

"(b) The Comptroller General or the Secretary concerned, as the case may be, may not exercise his authority under this section to waive any claim—

"(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim; or

"(2) if application for waiver is received in his office after the expiration of three years immediately following the date on which the erroneous payment of pay or allowances, other than travel and transportation allowances, was discovered.

Refund.

"(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section.

"(d) In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

"(e) An erroneous payment, the collection of which is waived under this section, is considered a valid payment for all purposes.

"(f) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States."; and

(2) by adding the following new item at the end of the analysis:

"2774. Claims for overpayment of pay and allowances, other than travel and transportation allowances."

SEC. 2. Chapter 7 of title 32, United States Code, is amended— 70A Stat. 612; 74 Stat. 878. 32 USC 701.

(1) by adding the following new section:

"§ 716. Claims for overpayment of pay and allowances, other than travel and transportation allowances

"(a) A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation allowances, made before or after the effective date of this section, to or on behalf of a member or former member of the National Guard, the collection of which would be against equity and good conscience and not in the best interest of the United States, may be waived in whole or in part by—

"(1) the Comptroller General; or

"(2) the Secretary concerned, as defined in section 101(5) of title 37, when— 76 Stat. 451; 80 Stat. 1121.

"(A) the claim is in an amount aggregating not more than $500;

"(B) the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official; and

"(C) the waiver is made in accordance with standards which the Comptroller General shall prescribe.

"(b) The Comptroller General or the Secretary concerned, as the case may be, may not exercise his authority under this section to waive any claim—

"(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim; or

"(2) if application for waiver is received in his office after the expiration of three years immediately following the date on which the erroneous payment of pay or allowances, other than travel and transportation allowances, was discovered.

"(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section. Refund.

"(d) In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

"(e) An erroneous payment, the collection of which is waived under this section, is considered a valid payment for all purposes.

"(f) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States."; and

(2) by adding the following new item at the end of the analysis:

"716. Claims for overpayment of pay and allowances, other than travel and transportation allowances."

80 Stat. 475. 5 USC 5501.

SEC. 3. Chapter 55 of title 5, United States Code, is amended as follows:

82 Stat. 1212.

(1) Section 5584 is amended by—

(A) adding at the end of the catchline "**and allowances, other than travel and transportation expenses and allowances and relocation expenses**";

(B) inserting after "pay" in subsection (a) "or allowances, other than travel and transportation expenses and allowances and relocation expenses payable under section 5724a of this title";

81 Stat. 204.

(C) striking out "or" at the end of subsection (b)(1);

(D) adding at the beginning of subsection (b)(2) the words "if application for waiver is received in his office," and by striking out from subsection (b)(2) "the effective date of this section" and inserting "October 21, 1968" in place thereof; and

(E) substituting "; or" for the period at the end of subsection (b)(2) and adding a new paragraph (3) to subsection (b) to read as follows:

"(3) if application for waiver is received in his office after the expiration of three years immediately following the date on which the erroneous payment of allowances was discovered or three years immediately following the effective date of the amendment authorizing the waiver of allowances, whichever is later."

(2) The analysis is amended by adding "and allowances, other than travel and transportation expenses and allowances and relocation expenses" after "pay" in item 5584.

Approved October 2, 1972.

Public Law 92-454

October 2, 1972
[S. 1031]

AN ACT

To credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement.

D.C., substitute teachers.
Civil service retirement credit.
80 Stat. 567; 84 Stat. 1191.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332(b) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (7);

(2) striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

83 Stat. 136; *Ante*, p. 144.

(3) inserting after paragraph (8) the following new paragraph:

"(9) subject to sections 8334(c) and 8339(h) of this title, service as a substitute teacher for the government of the District of Columbia after July 1, 1955, if such service is not credited for benefits under any other retirement system established by a law of the United States."

Annuities, recomputation.

SEC. 2. An annuity or survivor annuity based on the service of an employee or annuitant who performed service described in section 1 of this Act shall, upon application to the Civil Service Commission, be recomputed, effective on the first day of the first month following the date of enactment of this Act, in accordance with section 1 of this Act.

Repeal.
D.C. Code 31-696.

SEC. 3. Section 22 of Public Law 243, 84th Congress, enacted August 5, 1955 (69 Stat. 530), is repealed.

Approved October 2, 1972.

Public Law 92-455

AN ACT

October 2, 1972
[H. R. 10486]

To make the basic pay of the Master Chief Petty Officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes.

Coast Guard.
Master Chief Petty Officer, pay increase.
81 Stat. 653.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1401 of title 10, United States Code, is amended by deleting the word "or" between the phrases "Air Force," and "sergeant major" in the second sentence of footnote 4 of the table in that section and adding the words "or master chief petty officer of the Coast Guard," between the phrase "Marine Corps," and the word "compute".

63 Stat. 525.

SEC. 2. Section 423 of title 14, United States Code, is amended by adding the following new sentence between the first and second sentences of the section: "In the case of an enlisted member who served as the master chief petty officer of the Coast Guard, his retired pay shall be computed at the highest basic pay applicable to him while he so served, if that basic pay is greater than the basic pay of the grade or rating to which he was otherwise entitled at the time of retirement."

85 Stat. 357.

SEC. 3. Section 203(a) of title 37, United States Code, is amended by deleting the word "or" between the phrases "Air Force," and "Sergeant Major" in footnote 1 of the "ENLISTED MEMBERS" pay table in that section and adding the words "or Master Chief Petty Officer of the Coast Guard," between the phrase "Marine Corps," and the word "basic".

Widow dependency and indemnity compensation.
85 Stat. 660.

SEC. 4. Section 411 of title 38, United States Code, is amended by deleting the word "or" between the phrases "Air Force," and "sergeant major" in footnote 1 of the table in that section and adding the words "or master chief petty officer of the Coast Guard," between the phrase "Marine Corps," and the word "at".

Pay recovery.

SEC. 5. An enlisted member of the Coast Guard who has served as the master chief petty officer of the Coast Guard before enactment of this Act is entitled to recover the differences between the basic pay (including proficiency pay) received while so serving and the amount he would have received if his basic pay had been the same as the basic pay of the senior enlisted advisers of the other Armed Forces from the time of his original appointment to serve as the master chief petty officer of the Coast Guard.

Lighthouse Service retirement benefits.
40 Stat. 608; 81 Stat. 519.

SEC. 6. (a) Section 6 of the Act of June 20, 1918 (33 U.S.C. 763) is amended—

(1) by striking out "or" at the end of clause (1) of the first sentence and by inserting after "Government," in clause (2) of that sentence the following: "or (3) are involuntarily separated from further performance of duty, except by removal for cause on charges of misconduct or delinquency, after completing twenty-five years in the active service of the Government, or after completing twenty years of such service and after reaching the age of fifty years,";

(2) by striking out "five years of service" in the first proviso of the first sentence and inserting in lieu thereof "three years of service"; and

(3) by inserting immediately after the colon at the end of the first proviso the following: "*Provided further*, That the retirement pay computed under the preceding proviso for any such officer or employee retiring under clause (3) shall be reduced by one-sixth of 1 per centum for each full month the officer or employee is under fifty-five years of age at the date of retirement:".

Effective date.

(b) The amendments made by subsection (a) of this section shall apply with respect to officers and employees to which such section 6 applies who are involuntarily separated or retired on or after the date of the enactment of this Act.

Approved October 2, 1972.

Public Law 92-456

October 3, 1972
[H. R. 14267]

AN ACT

To provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket Numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket Numbered 72, and for other purposes.

Indians.
Delaware Tribes, Okla.
Judgment funds, disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of December 26, 1969 (83 Stat. 447, 453), to pay a judgment in favor of the petitioners, the Delaware Tribe of Indians in docket 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in docket 72, together with any interest thereon, after payment of attorney fees, litigation expenses, and such expenses as may be necessary in effecting the provisions of this Act, shall be distributed as provided herein.

Roll.

SEC. 2. The Secretary of the Interior shall prepare a roll of all persons who meet the following requirements:

(a) they were born on or prior to and were living on the date of this Act; and

(b) they are citizens of the United States; and

(c) (1) their name or the name of a lineal ancestor appears on the Delaware Indian per capita payroll approved by the Secretary on April 20, 1906, or

(2) their name or the name of a lineal ancestor is on or is eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

Applications.

SEC. 3. All applications for enrollment must be filed either with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, or with the Area Director of the Bureau of Indian Affairs, Anadarko, Oklahoma, on or before the last day of the fourth full month following the date of this Act, and no application shall be accepted thereafter. The Secretary of the Interior shall give a rejection notice within sixty days after receipt of an application if the applicant is ineligible for enrollment. An appeal from a rejected application must be filed with the Area Director not later than thirty days from receipt of the notice of rejection. The Secretary shall make a final determination on each appeal not later than sixty days from the date it is filed. Each application and each appeal filed with the Area Director shall be reviewed by a committee composed of representatives of the two Oklahoma Delaware groups prior to submission of the application or appeal to the Secretary, and the committee shall advise the Area Director in writing of its judgment regarding the eligibility of the applicant.

Apportionment.

SEC. 4. (a) The Secretary of the Interior shall apportion to the Absentee Delaware Tribe of Western Oklahoma, as presently constituted, so much of the judgment fund and accrued interest as the ratio of the persons enrolled pursuant to subsection 2(c)(2) bears to the total number of persons enrolled pursuant to section 2. The funds so apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the tribe in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to subsection 2(c)(2), and 10 per centum shall remain to the credit of the tribe in the United States Treasury, and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

(b) The funds not apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the Delaware Tribe of Indians in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to subsection 2(c)(1), and 10 per centum shall remain to the credit of the tribe in the United States Treasury and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body: *Provided*, That the Secretary of the Interior shall not approve the use of the funds remaining to the credit of the tribe until the tribe has organized a legal entity which in the judgment of the Secretary adequately protects the interests of its members.

SEC. 5. Sums payable to living enrollees age eighteen or older or to heirs or legatees of deceased enrollees age eighteen or older shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are under age eighteen or who are under legal disability other than minority 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.

Income tax exemption.

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

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 October 3, 1972.

Public Law 92-457

JOINT RESOLUTION

October 3, 1972
[H. J. Res. 1232]

Designating, and authorizing the President to proclaim, February 11, 1973, as "National Inventors' Day".

National Inventors' Day. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, February 11, 1973, is hereby designated "National Inventors' Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

Approved October 3, 1972.

Public Law 92-458

AN ACT

October 3, 1972
[H. R. 8215]

To provide relief for certain prewar Japanese bank claimants.

Japanese-Americans. Yokohama Specie Bank, Ltd., claims, payment. 50 USC 21.

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 to the contrary, persons of Japanese ancestry interned or paroled pursuant to the Alien Enemy Act during World War II may assert debt claims based upon yen certificates of deposit issued by the pre-World War II Hawaiian or United States branches of the Yokohama Specie Bank, Limited, payable from the vested assets of the bank remaining in the custody of the Attorney General after final distribution is made under the April 30, 1968, judgments and decrees of the United States District Court for the

District of Columbia in Honda against Clark, civil action numbered 1179–64. Legal representatives or successors in interest, by inheritance, devise, bequest, or operation of law, of debt claimants, other than persons who would themselves be disqualified from allowance of a debt claim, may apply for and receive payment to the same extent as their predecessors in interest would have. Claims under this Act shall be filed not later than one hundred and eighty days after the date of enactment of this Act with the Office of Alien Property of the Department of Justice.

Filing date.

SEC. 2. Claims payable under this Act shall be subject to section 20 of the Trading With the Enemy Act, and required to meet all conditions of allowability and defenses prescribed by section 34(a) of the Trading With the Enemy Act, except the provision concerning allowance of claims of persons interned or paroled pursuant to the Alien Enemy Act, and the defense that the underlying debt obligation has been released or exonerated on or after November 14, 1957, by its redemption or surrender for consideration.

70 Stat. 331.
50 USC app. 20.
60 Stat. 925.
50 USC app. 34.

SEC. 3. Claims shall be payable at the same yen-dollar conversion ratio afforded to claimants under the consent decree of the United States District Court for the District of Columbia of April 30, 1968, in Honda against Clark, civil action numbered 1179–64, to the extent funds are available therefor.

Yen-dollar conversion ratio.

SEC. 4. Payments under this Act shall be made as expeditiously as possible. All determinations with respect to the form and content of claims under this Act, the proof thereof and all other matters related to proceedings on such claims, including the allowance and disallowance thereof and the proration of available Yokohama Specie Bank assets among allowed claims if insufficient for full payment, shall be within the sole discretion of the Attorney General or his designee and shall not be subject to review by any court.

Approved October 3, 1972.

Public Law 92-459

AN ACT

October 3, 1972
[H. R. 4634]

To direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway.

Camp Withycombe, Clackamas County, Oreg.
Land use condition, release.
70 Stat. 793.

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 2 of the Act of August 1, 1956, the Secretary of the Army is authorized and directed to release or modify on behalf of the United States the reservation and conditions in a deed dated November 9, 1956, conveying land in Clackamas County, Oregon, to the State of Oregon (as reflected on drawing 4540, filed with the district engineer, Seattle, Washington) one of which requires the land so conveyed to be used for military purposes only and provides for a reversion of such land to the United States if at any time it ceases to be so used, but only with respect to a sixty-foot right-of-way cutting across the northwest corner of such land for a distance of approximately three hundred and forty to four hundred feet, and only if the State of Oregon or an authorized agency of the State conveys such right-of-way (subject to section 2 of this Act) to Clackamas County to be used as a public highway to provide a direct intertie between Clackamas County Road 40 and Mather Road.

SEC. 2. The release and the deed of conveyance of the right-of-way to Clackamas County as authorized under the first section of this

Act shall provide that the right-of-way shall be used only as a public highway and for related purposes, and if such right-of-way at any time ceases to be so used, title thereto shall immediately revert to the State of Oregon, together with any improvements made by Clackamas County without payment of compensation therefor, and, in which event, the right-of-way shall again become a part of Camp Withycombe and be subject to the same reservation and conditions set forth in the aforementioned deed of November 9, 1956.

SEC. 3. The Secretary is authorized to impose such additional terms and conditions on the release and conveyance authorized by this Act as he deems necessary to protect the interests of the United States.

SEC. 4. The cost of any surveys necessary as an incident of the release and conveyance authorized by this Act shall be borne by the grantee.

Approved October 3, 1972.

Public Law 92-460

AN ACT

October 4, 1972
[H. R. 15927]

To amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

Railroad Retirement Act of 1937, amendment.

"(5) The individual's annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 20 per centum.".

Annuities increase.
82 Stat. 17; 85 Stat. 101.
45 USC 228c.

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

(1) by striking out "section 3(a) (3) or (4) of this Act" and inserting in lieu thereof "section 3(a) (3), (4), or (5) of this Act";

(2) by striking out the second sentence of the last paragraph; and

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

Spouse's annuity.
85 Stat. 101.
45 USC 228b.

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased by 20 per centum. The preceding sentence and the other provisions of this subsection shall not operate to increase the spouse's annuity (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding two paragraphs."

(c) Section 2(i) of such Act is amended by striking out "the last two paragraphs" and inserting in lieu thereof "the last paragraph plus the two preceding paragraphs".

(d) Section 3(e) of such Act is amended—

Minimum annuity.
82 Stat. 18.
45 USC 228c.

(1) by striking out the word "and" after clause (iv) in the second paragraph thereof and inserting after the semicolon in clause (v) in such second paragraph the following new clauses:

"(vi) individuals not entitled to an annuity under section 2 or 5 of this Act shall not be included in the computation under such first proviso except a spouse who could qualify for an annuity under section 2(e) or (h) of this Act if the employee from whom the spouse's annuity under this Act would derive had attained age sixty-five, and such employee's children who meet the definition

45 USC 228b, 228e.

Supra.

72 Stat. 1028; 81 Stat. 860. 42 USC 416.

as such contained in section 216(e) of the Social Security Act; (vii) after an annuity has been certified for payment and such first proviso was inapplicable after allowing for any waiting period under section 223(c)(2) of the Social Security Act, and after having considered the inclusion of all persons who were then eligible for inclusion in the computation under such first proviso, or was then applicable but later became inapplicable, any recertification in such annuity under such first proviso shall not take into account individuals not entitled to an annuity under section 2 or 5 of this Act except a spouse who could qualify for an annuity under section 2(h) of this Act when she attains age sixty-two if the employee from whom the spouse's annuity would derive had attained age sixty-five, and who was married to such employee at the time he applied for the employee annuity; (viii) in computing the amount to be paid under such first proviso, the only benefits under title II of the Social Security Act which shall be considered shall be those to which the individuals included in the computation are entitled; (ix) the average monthly wage for an employee during his lifetime shall include (A) only his wages and self-employment income creditable under the Social Security Act through the later of December 31, 1971, or December 31 of the year preceding the year in which his annuity began to accrue, and (B) his compensation up to the date his annuity began to accrue; and (x) in computing the average monthly wage in clause (ix) above, section 215(b)(2)(C)(ii) of the Social Security Act shall, solely for the purpose of including compensation up to the date the employee's annuity began to accrue, be deemed to read as follows: 'the year succeeding the year in which he died or retired' "; and

70 Stat. 815; 72 Stat. 1020; 81 Stat. 867. 42 USC 423.

53 Stat. 1362. 42 USC 401.

79 Stat. 364. 42 USC 415.

(2) by striking out in the third paragraph thereof ", or on application, would be".

60 Stat. 733; 65 Stat. 688; 82 Stat. 20. 45 USC 228e.

(e) Section 5(l)(1) of such Act is amended by striking out from the first sentence thereof "and (g)" and inserting in lieu thereof "(g), and (k)".

85 Stat. 101.

(f) Section 5 of such Act is further amended by inserting at the end thereof the following new subsection:

"(p) A survivor's annuity computed under the preceding provisions of this section (except an annuity in the amount determined under the proviso in subsection (a) or (b)) shall (before any reduction on account of age) be increased by 20 per centum."

50 Stat. 312; 49 Stat. 967. 45 USC 228f, 215-228 notes.

SEC. 2. (a) All pensions under section 6 of the Railroad Retirement Act of 1937, all annuities under the Railroad Retirement Act of 1935, and all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 shall be increased by 20 per centum.

(b) All such widows' and widowers' insurance annuities which are payable in the amount of the spouse's annuity to which the widow or widower was entitled, shall, in cases where the employee died prior to October 1, 1972, be increased by 20 per centum.

Ante, p. 765.

(c) All such joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act of 1937 and shall be reduced by the percentage determined in accordance with the election of such annuity.

Recertification.

SEC. 3. All recertifications required by reason of the amendments made by this Act shall be made by the Railroad Retirement Board without application therefor.

Percentage adjustment.

SEC. 4. For the purposes of approximating the offsets in railroad retirement benefits for increases in social security benefits by reason of amendments prior to the Social Security Amendments of 1971, the Railroad Retirement Board is authorized to prescribe adjustments in

the percentages in the Railroad Retirement Act of 1937 and laws pertaining thereto in order that these percentages, when applied against current social security benefits not in excess of the primary insurance amount applicable for an average monthly wage of $650, will produce approximately the same amounts as those computed under the law in effect, except for changes in the wage base, before the Social Security Amendments of 1971 were enacted.

50 Stat. 307. 45 USC 228a.

SEC. 5. (a) The amendments made by this Act, except for subsections (d) and (e) of section 1, shall be effective with respect to annuities accruing for months after August, 1972 and with respect to pensions due in calendar months after September, 1972. The provisions of clauses (vi) through (x), which are added by section 1(d)(1) of this Act, and the provisions of section 1(d)(2) of this Act, shall be effective as follows: clause (vi) shall be effective with respect to annuities awarded after the enactment of this Act; clauses (vii) and (viii), and the provisions of section (1)(d)(2), shall be effective with respect to annuities awarded or recertified after the enactment of this Act; and clauses (ix) and (x) shall be effective with respect to calendar years after 1971.

Effective dates.

(b) The first three sections of this Act, except for subsections (d) and (e) of section 1, and the amendments made by such sections, shall cease to apply as of the close of June 30, 1973. Annuities accruing for months after June 30, 1973, and pensions due in calendar months after June 30, 1973, shall be computed as if the first three sections of this Act, except for subsections (d) and (e) of section 1, and the amendments made by such sections, had not been enacted.

Termination date.

SEC. 6. It is the policy of the Congress of the United States that the 20-percent increase in annuities of Railroad Retirement beneficiaries provided by this Act, as well as the 10-percent and 15-percent increases provided by Public Law 92–46 and Public Law 91–377, respectively, all of which will expire by the terms of such Acts on June 30, 1973, can be made permanent only if at the same time a method is adopted to insure the receipt of sufficient revenues by the Railroad Retirement Account to make such Account financially solvent based on sound actuarial projections. Accordingly, representatives of employees and retirees and representatives of carriers shall, no later than March 1, 1973, submit to the Senate Committee on Labor and Public Welfare and the House of Representatives Committee on Interstate and Foreign Commerce a report containing the mutual recommendations of such representatives based upon their negotiations and taking into account the report and specific recommendations of the Commission on Railroad Retirement designed to insure such solvency. A copy of the report of such representatives shall also be submitted to the Railroad Retirement Board, which, no later than April 1, 1973, shall submit to such committees of the Congress a report containing its views and specific recommendations, and those of the administration, with reference to the report submitted by such representatives.

85 Stat. 101; 84 Stat. 791.

Report to congressional committees.

Report to congressional committees.

CARL ALBERT
Speaker of the House of Representatives.

JAMES B. ALLEN
Acting President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
October 4, 1972.

The House of Representatives having proceeded to reconsider the bill (H. R. 15927) entitled "An Act to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the Act, 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.

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,
October 4, 1972.

The Senate having proceeded to reconsider the bill (H. R. 15927) entitled "An Act to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the Act, 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.
By: Darrell St. Claire
Assistant Secretary.

Public Law 92-461

October 6, 1972
[H. R. 8694]

AN ACT

To provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes.

Yavapai Indians.
Judgment funds,
disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), to pay a judgment to the Yavapai Indians in Indian Claims Commission dockets numbered 22–E and 22–F, together with any interest thereon,

after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided herein.

SEC. 2. The Secretary of the Interior shall set aside for the benefit of the Payson Indian Band, at Payson, Arizona, 3.5 per centum of the net judgment funds described in section 1 of this Act, which shall be disposed of pursuant to section 4 hereof.

Rolls.

SEC. 3. For the purposes of apportioning the funds, the Yavapai Apache Indian Community of the Camp Verde Reservation, the Fort McDowell Mohave-Apache Community, and the Yavapai-Prescott Community shall prepare rolls of all persons who were born on or prior to and living on the date of this Act, and who are enrolled or entitled to be enrolled in accordance with the respective tribal constitutions or articles of association, as the case may be, in effect on April 1, 1972. The Secretary of the Interior shall verify and approve the rolls.

SEC. 4. Upon completion and approval of the rolls as provided in section 3 of this Act, the balance of the funds not set aside pursuant to section 2 hereof shall be apportioned among the cited groups in section 3 on the basis of the number of enrollees in each group. The funds so apportioned shall be redeposited in the Treasury of the United States to the credit of the respective groups and may be advanced, expended, invested, or reinvested in any manner authorized by the governing bodies and approved by the Secretary. All funds so accruing to the Payson Band pursuant to section 2 hereof shall be utilized pursuant to a plan agreed upon between the governing body elected by the Payson Indian community or by the members thereof at a meeting called in accordance with the rules prescribed by the Secretary of the Interior.

Tax exemption.
Minor enrollees, protection of interests.

SEC. 5. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to enrollees or 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 determines appropriate to protect the best interests of such persons.

Rules and regulations.

SEC. 6. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved October 6, 1972.

Public Law 92-462

October 6, 1972
[H. R. 10858]

AN ACT

To provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes.

Indians.
Pueblo de Acoma.
Judgment funds, disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Pueblo de Acoma that were appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment by the Indian Claims Commission in docket numbered 266, and interest thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

Tax exemption.

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

Rules and regulations.

SEC. 3. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved October 6, 1972.

Public Law 92-463

October 6, 1972
[H. R. 4383]

AN ACT

To authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes.

Federal Advisory Committee Act.

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 Advisory Committee Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that—

(1) the need for many existing advisory committees has not been adequately reviewed;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is—

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government.

(3) The term "agency" has the same meaning as in section 551(1) of title 5, United States Code. 80 Stat. 381.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

APPLICABILITY

SEC. 4. (a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by— Restrictions.

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

SEC. 5. (a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection. Review.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall— Guidelines.

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

RESPONSIBILITIES OF THE PRESIDENT

SEC. 6. (a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

Report to Congress.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

Annual report to Congress.

(c) The President shall, not later than March 31 of each calendar year (after the year in which this Act is enacted), make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor.

Exclusion.

The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

RESPONSIBILITIES OF THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Committee Management Secretariat, establishment.

SEC. 7. (a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

Review.

(b) The Director shall, immediately after the enactment of this Act, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine—

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; or

(4) whether is should be abolished.

The Director may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Director's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Director shall carry out a similar review annually. Agency heads shall cooperate with the Director in making the reviews required by this subsection.

Recommendations to President and Congress.

Agency cooperation.

(c) The Director shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency. Performance guidelines.

(d) (1) The Director, after study and consultation with the Civil Service Commission, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that— Uniform pay guidelines.

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS–18 of the General Schedule under section 5332 of title 5, United States Code; and 5 USC 5332 note.

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, 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. Travel expenses. 80 Stat. 499; 83 Stat. 190.

(2) Nothing in this subsection shall prevent—

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee,

from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Director shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate. Expense recommendations.

RESPONSIBILITIES OF AGENCY HEADS

SEC. 8. (a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Director under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall— Advisory Committee Management Control Officer, designation.

(1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers. 81 Stat. 54.

ESTABLISHMENT AND PURPOSE OF ADVISORY COMMITTEES

SEC. 9. (a) No advisory committee shall be established unless such establishment is—

(1) specifically authorized by statute or by the President; or

Publication in Federal Register.

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Director, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

Charter, filing.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Director, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

Contents.

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years from the date of the committee's establishment; and

(J) the date the charter is filed.

Copy.

A copy of any such charter shall also be furnished to the Library of Congress.

ADVISORY COMMITTEE PROCEDURES

Meetings.

SEC. 10. (a) (1) Each advisory committee meeting shall be open to the public.

Notice, publication in Federal Register.
Regulations.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Director shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Director may prescribe.

81 Stat. 54.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

Minutes.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the

advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee. Certification.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any advisory committee meeting which the President, or the head of the agency to which the advisory committee reports, determines is concerned with matters listed in section 552(b) of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code. 81 Stat. 54. Annual report.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee. Federal officer or employee, attendance.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

AVAILABILITY OF TRANSCRIPTS

SEC. 11. (a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of title 5, United States Code. "Agency proceeding." 80 Stat. 382.

FISCAL AND ADMINISTRATIVE PROVISIONS

SEC. 12. (a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records. Recordkeeping. Audit.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration. Agency support services.

RESPONSIBILITIES OF LIBRARY OF CONGRESS

SEC. 13. Subject to section 552 of title 5, United States Code, the Director shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use. Reports and background papers. Depository.

TERMINATION OF ADVISORY COMMITTEES

SEC. 14. (a) (1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

Renewal.

(b) (1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

Continuation.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

EFFECTIVE DATE

SEC. 15. Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following the date of enactment.

Approved October 6, 1972.

Public Law 92-464

October 6, 1972
[H. J. Res. 807]

JOINT RESOLUTION

Authorizing the President to proclaim the second full week in October of 1972 as "National Legal Secretaries' Court Observance Week".

National Legal Secretaries' Court Observance Week.
Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the second full week in October 1972 as "National Legal Secretaries' Court Observance Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Approved October 6, 1972.

Public Law 92-465

AN ACT

October 6, 1972
[S. 447]

To modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, 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 exterior boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, in New Mexico, respectively, are modified to include the following described lands:

Santa Fe, Gila, Cibola, and Carson National Forests, N. Mex. Boundary Modifications.

SANTA FE NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

1. The Canon de San Diego Grant, situated in townships 16, 17, 18, and 19 north, ranges 1, 2, and 3 east, and known in the Office of the United States Surveyor General as Report numbered 36, confirmed by Congress of the United States of America on the 21st day of June 1861, and patented by the United States of America in accordance with said Act of Confirmation of the 21st day of October 1881.

2. Township 18 north, range 1 east.
Section 6, lots 1 through 8 inclusive.
Township 18 north, range 1 west.
Section 1, lots 1 through 4, inclusive, west half northeast quarter, and east half northwest quarter.

3. Township 17 north, range 2 east.
Section 25, lot 1.
Section 36, lots 1, 2, and 4.
Township 17 north, range 3 east.
Section 19, lots 1 and 2 in accordance with G.L.O. plat approved April 28, 1919.
Section 30, lots 1 through 4, inclusive.
Section 31, lots 1 through 3, inclusive and lots 5 to 9, inclusive.
Section 32, lots 1 through 4, inclusive.
Township 16 north, range 3 east.
Sections 5, 6, 7, and 8.

4. Township 15 north, range 12 east.
Section 29, lots 3, 4, and 5, southwest quarter southeast quarter.
Section 33, lots 1, 2, 3, and 4, southwest quarter southwest quarter.

5. Township 15 north, range 12 east.
Section 12, east half southwest quarter, southeast quarter.
Township 15 north, range 13 east.
Section 5, all.
Section 6, all.
Section 7, all.
Section 8, all.
Section 9, west half southwest quarter.
Section 16, west half west half.
Section 17, east half east half.
Section 20, east half northeast quarter.
Section 21, west half west half.
Section 28, west half.
Section 32, all.
Section 33, all.

6. A tract or parcel of land situated in the counties of Sandoval and Santa Fe in the State of New Mexico, known as the Caja del Rio Grant, as shown upon the plat of said grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by

the United States Surveyor General of New Mexico on November 23, 1894, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on April 15, 1895, and representing a survey of said grant as made by Sherrard Coleman, United States Deputy Surveyor, May 8 to 18, 1894, under Contract Numbered 280, dated March 26, 1894, which tract of land is intended to include all that portion of the said grant extending westward to the Rio Grande, but exclusive of the conflict with the Cochiti Pueblo Grant and which was more particularly described in a deed from the General American Life Insurance Company to the United States of America dated November 13, 1935, and recorded in Sandoval County in book 4, DR, pages 503–515, on December 20, 1935.

7. A tract or parcel of land situated in the counties of Sandoval and Santa Fe in the State of New Mexico, known as the La Majada Grant, as shown upon the plat of the grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by the United States Surveyor General of New Mexico on January 23, 1896, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on March 25, 1896, and representing a survey of said Grant as made by Albert F. Easley, United States Deputy Surveyor, June 28 through July 7, 1895, under Contract Numbered 292, April 29, 1895, which tract of land is intended to include all of that portion of the said grant exclusive of the conflicts with the Cochiti Pueblo Grant, the Mesita de Juana Lopez Grant, and the Caja del Rio Grant, and a portion of the said La Majada Grant lying south of the Corps of Engineers' Road Numbered 90, more particularly described as a line beginning at a point on the south boundary of the Cochiti Pueblo Grant which lies south 89 degrees 54 minutes west 18.35 chains from the half mile corner; thence south 44 degrees 15 minutes west 125.65 chains; thence south 51 degrees 50 minutes east 14.59 chains; thence south 43 degrees 50 minutes east 101.91 chains; thence south 49 degrees 35 minutes east 24.35 chains to a point on the south boundary of the La Majada Grant which lies north 73 degrees 48 minutes west 18.18 chains from the 4½-mile corner on the south boundary of the said grant.

8. Township 14 north range 13 east.
Section 35, north half.

9. Township 16 north range 14 east.
Section 5, all.
Section 8, all.
Section 27, lot 5, east half southeast quarter.
Section 34, east half east half.

GILA NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

A tract or parcel of land situated in Grant County, New Mexico, in township 17 south, ranges 12 and 13 west, as shown in the office of the United States Surveyor General on Supplemental Plat of Retracements and Resurveys, approved by the Surveyor General on July 7, 1908, excepting that portion of the said military reservation lying south of a line described as follows: Beginning at a point which is the intersection of the north right-of-way line for State Highway 180 with the east boundary of the reservation; thence southwesterly along the highway right-of-way to the south line of section 25; thence westerly along the section line between sections 25 and 36 to a point lying 735 feet west of the quarter corner between said sections; thence north 47 degrees 03 minutes east 585 feet; thence north 18 degrees 18

minutes west 2,380 feet; thence west 4,110.34 feet; thence south 01 degree 43 minutes east 2,661.24 feet to the quarter corner between sections 26 and 35; thence westerly along the section line to the west boundary of the said military reservation.

CARSON NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

1. Township 25 north, range 13 east.
Section 28, lots 4 and 12.

CIBOLA NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

1. Township 10 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Township 11 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Sections 22 through 27, inclusive.
Sections 34 through 36, inclusive.
Township 12 north, range 11 west.
Sections 31 through 36, inclusive.

2. A tract of land in township 14 north range 16 west which was originally a portion of the Fort Wingate Military Reservation as established by Executive order of February 18, 1870, more particularly described as: Beginning at a point which is the quarter corner common to section 2 of township 14 north range 16 west and section 35, township 15 north range 16 west; thence southerly along the Cibola National Forest boundary approximately 3 miles to the quarter corner common to sections 14 and 23 in unsurveyed township 14 north range 16 west; thence westerly along the Cibola National Forest boundary approximately 4½ miles to a point on the east boundary of the Fort Wingate Ordnance Depot, designated 361+00 south and 20+00 east Wingate Ordnance Depot coordinating system; thence northerly along the Wingate Ordnance Depot east fence approximately 10,285 feet to a point designated 258+15 south and 20+00 east Wingate Depot coordinating system; thence in a random northeasterly direction along the Wingate Depot fence system approximately 8,500 feet to a brass cap set in concrete which is the northwest corner of the Navajo Indian School tract; thence due south 6,293.84 feet to a brass cap set in concrete which is the southwest corner of the school tract; thence due east 7,728.15 feet to a 3-inch pipe which is the southeast corner of the school tract; thence due north 6,716.00 feet to a brass cap set in concrete which is the northeast corner of the school tract; thence easterly approximately 1⅜ miles to the point of beginning, containing 6,810 acres, more or less.

SEC. 2. The exterior boundaries of the Carson National Forest in New Mexico are modified to exclude section 16, township 24 north, range 11 east, New Mexico principal meridian.

SEC. 3. Subject to valid existing rights, all lands owned by the United States in the areas described in section 1 of this Act are hereby added to the national forests as listed in that said section, and shall be administered in accordance with the laws, rules, and regulations applicable thereto.

SEC. 4. For the purposes of section 6 of the Act of September 3, 1964 (78 Stat. 903), the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, as modified by section 1 of this Act, shall be treated as if they were the boundaries of those forests on January 1, 1965.

Ante, p. 459.

Approved October 6, 1972.

Public Law 92-466

October 6, 1972
[H. R. 14015]

AN ACT

To amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended.

Pears.
Marketing orders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

68 Stat. 906; 75 Stat. 304; *Ante*, p. 39.
7 USC 608c.

(1) Section 8c(2), as amended, is further amended by inserting "pears," after the words "canned or frozen" where they first appear and also before "olives" in subdivision (A) in the first sentence thereof.

85 Stat. 340.

(2) Subsection (I) of section 8c(6), as amended, is further amended by striking "fresh" immediately before "pears" in the proviso and by adding at the end thereof the following: "and when the handling of any commodity for canning or freezing is regulated, then any such projects may also deal with the commodity or its products in canned or frozen form".

49 Stat. 757; 68 Stat. 907.

(3) Section 8c(7)(C) of the Act is amended by inserting "or pears" immediately after "a marketing order applicable to grapefruit" and by replacing the period following "in such order" with a colon and adding: "*Provided*, That in a marketing order applicable to pears for canning or freezing the representation of processors and producers on such agency shall be equal."

Producer referendum.
75 Stat. 305.

(4) Section 8c(19) is amended by adding at the end thereof the following: "For the purpose of ascertaining whether the issuance of an order applicable to pears for canning or freezing is approved or favored by producers as required under the applicable provisions of this title, the Secretary shall conduct a referendum among producers in each State in which pears for canning or freezing are proposed to be included within the provisions of such marketing order and the requirements of approval or favor under any such provisions applicable to pears for canning or freezing shall be held to be complied with if, of the total number of producers, or the total volume of production, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of 66⅔ per centum except that in the event that pear producers in any State fail to approve or favor the issuance of any such marketing order, it shall not be made effective in such State."

68 Stat. 906.

(5) A new paragraph (J) is added to section 8c(6) to read as follows:

Regulation recommendations, concurrence requirement.

"(J) In the case of pears for canning or freezing, any order for a production area encompassing territory within two or more States or portions thereof shall provide that the grade, size, quality, maturity, and inspection regulation under the order applicable to pears grown within any such State or portion thereof may be recommended to the Secretary by the agency established to administer the order only if a majority of the representatives from that State on such agency concur in the recommendation each year.".

Approved October 6, 1972.

Public Law 92-467

AN ACT

October 6, 1972
[H. R. 6797]

To provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316-A, 317, 145, 193, and 318.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Kickapoo Indians of Kansas and Oklahoma to pay judgments by the Indian Claims Commission in dockets 316, 316-A, 317, 145, and 193, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided on the basis of membership of the respective tribes current as of the date of this Act. For the purpose of adjusting the offsets allowed in docket 316, the Secretary of the Interior shall use the gross award (land value) as a basis for his computation, deduct therefrom the consideration paid, the offsets expended for the Kickapoo Tribe prior to its separation into two tribal entities, attorney fees and litigation expenses, and, after making the division of the balance as provided herein, shall deduct $44,759.45 from the proportionate share of the Kickapoo Tribe of Kansas and $118,661.24 from the proportionate share of the Kickapoo Tribe of Oklahoma. The balances remaining shall be the net amount to be placed to the credit of the respective tribes.

Kickapoo Indians, Kans.-Okla. Judgment funds, disposition.

SEC. 2. (a) The funds divided and credited under section 1 of this Act, and the funds appropriated to pay a judgment recovered by the Kickapoo Indians of Oklahoma in docket numbered 318, including the interest thereon, after the payment of attorney fees and other litigation expenses, shall be used as follows: 75 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Oklahoma and 90 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Kansas if such person was born on or prior to and is living on the date of this Act.

Per capita shares.

(b) The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing bodies and approved by the Secretary of the Interior.

SEC. 3. The Secretary of the Interior shall approve no plans for the use of the money specified in section 2(b) for the Kickapoo Tribes of Kansas and Oklahoma until at least thirty days after the plans have been submitted by the Secretary to the Committees on Interior and Insular Affairs of the Senate and House of Representatives.

SEC. 4. Any sums payable per capita to persons who are less than twenty-one 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.

SEC. 5. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

Tax exemption.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Rules and regulations.

Approved October 6, 1972.

Public Law 92-468

October 6, 1972
[H. R. 7742]

AN ACT

To provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes.

Indians.
Yankton Sioux Tribe.
Judgment funds, disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of July 22, 1969 (83 Stat. 49), to pay a judgment to the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, together with the interest thereon, after payment of attorney fees and litigation expenses, and such other expenses as may be necessary in effecting the provisions of this Act, shall be distributed as provided herein.

SEC. 2. The Secretary of the Interior shall withhold from distribution a sum not to exceed $150,000, pending a decision by the Yankton Sioux Tribal Business and Claims Committee regarding the needs of the tribe for expert witnesses in the Yankton Sioux claims in Indian Claims Commission dockets numbered 332–B, 332–C, and 74. The sum withheld may be used for such purpose or for other programing needs, subject to the approval of the Secretary.

Roll.

SEC. 3. The Secretary of the Interior, in cooperation with the Tribal Council, shall prepare a roll of all persons born on or prior to and living on the date of this Act who meet the requirements for membership of the Yankton Sioux tribal constitution approved on October 5, 1932, as amended.

Per capita shares.

SEC. 4. The judgment fund, less funds otherwise provided in section 2, shall be used as follows: 75 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of enactment; the remainder may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons.

Minor enrollees, protection of interests.

Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under 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. 5. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

Rules and regulations.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved October 6, 1972.

Public Law 92-469

October 6, 1972
[H. R. 3808]

AN ACT

To increase the size and weight limits on military mail and for other purposes.

Armed Forces.
Certain members outside U.S., additional mail privileges.
84 Stat. 755.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3401(b) of title 39, United States Code, is amended by striking out subparagraphs (1), (2), and (3) and inserting in lieu thereof the following:

"(1)(A) letter mail or sound-recorded communications having the character of personal correspondence;

"(B) parcels not exceeding 15 pounds in weight and 60 inches in length and girth combined; and

"(C) publications entitled to a periodical publication rate published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public,

which are mailed at or addressed to any such Armed Forces post office;

"(2) parcels not exceeding 70 pounds in weight and 100 inches in length and girth combined, which are mailed at any such Armed Forces post office; and

"(3) parcels exceeding 15 pounds but not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.".

PAL Service.

SEC. 2. Section 3401 of title 39, United States Code, is amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f); and

(2) inserting the following new subsection "(c)":

"(c) Any parcel, other than a parcel mailed at a rate of postage requiring priority of handling and delivery, not exceeding 30 pounds in weight and 60 inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title, shall be transported by air on a space available basis on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment of a fee for such air transportation in addition to the rate of postage otherwise applicable to such a parcel not transported by air. If adequate service by scheduled United States air carriers is not available, any such parcel may be transported by air carriers other than scheduled United States air carriers.".

84 Stat. 724.

72 Stat. 763; 80 Stat. 942.

Approved October 6, 1972.

Public Law 92-470

AN ACT

October 6, 1972
[H. R. 3337]

To authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) a suitable site (of not to exceed eighty-five acres) for a village for the Payson Community of Yavapai-Apache Indians shall be selected in the Tonto National Forest within Gila County, Arizona, by the leaders of the community, subject to approval by the Secretary of the Interior and the Secretary of Agriculture. The site so selected is hereby declared to be held by the United States in trust as an Indian reservation for the use and benefit of the Payson Community of Yavapai-Apache Indians.

Indians.
Payson Community of Yavapai-Apache Indians, Ariz.
Village site, selection.

(b) The Payson Community of Yavapai-Apache Indians shall be recognized as a tribe of Indians within the purview of the Act of June 18, 1934, as amended (25 U.S.C. 461–479, relating to the protection of Indians and conservation of resources), and shall be subject to all of the provisions thereof.

Recognition.

48 Stat. 984.

Approved October 6, 1972.

Public Law 92-471

October 9, 1972
[H. R. 9501]

AN ACT

To amend the North Pacific Fisheries Act 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,

North Pacific Fisheries Act of 1954, amendments.

TITLE I—AMENDMENT OF THE NORTH PACIFIC FISHERIES ACT OF 1954

68 Stat. 698.
16 USC 1026.

SEC. 101. The North Pacific Fisheries Act of 1954 (hereinafter in this title referred to as the "Act") is amended by redesignating section 7 as section 8 and by inserting immediately after section 6 the following new section:

4 UST 380.

"SEC. 7. The Secretary of Commerce is authorized and directed to administer and enforce all 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 he 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. He shall adopt such regulations on consultation with the United States Section and they shall apply only to stocks of fish in the Convention area north of the parallel of north latitude of 48 degrees and 30 minutes. No such regulations shall apply in the Convention area south of the 49th parallel of north latitude with respect to sockeye salmon (Oncorhynchus nerka) or pink salmon (Oncorhynchus gorbuscha).".

Regulations.

Restricted fishing areas.
16 USC 1027.

SEC. 102. Section 8 of the Act is amended—

(1) by redesignating such section as section 9;

(2) by redesignating subsections (a), (b), (c), and (d), as subsections (b), (c), (d), and (e), respectively;

(3) by striking out "subsection (a)" each place it appears in subsections (c), (d), and (e), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof at each such place "subsection (b)"; and

Enforcement.

(4) by inserting immediately after "SEC. 9.", as so redesignated by paragraph (1) of this section, the following new subsection: "(a) Enforcement activities under the provisions of this Act relating to vessels engaged in fishing and 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 of Commerce. The Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of Commerce and the Secretary of State, is authorized to adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to articles 9 and 10 of the Convention.".

Regulations.

16 USC 1028.

SEC. 103. Section 9 of the Act is redesignated as subsection (f) of section 9, as so redesignated by paragraph (1) of section 102 of this title.

Unlawful acts.
16 USC 1029.

SEC. 104. Section 10 of the Act is amended—

(1) by redesignating subsections (a), (b), (c), (d), and (e) as subsections (b), (c), (d), (e), and (f), respectively;

(2) by striking out "subsection (a)" each place it appears in subsection (c), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof at each place "subsection (b)";

(3) by inserting immediately after "SEC. 10." the following new subsection: 68 Stat. 699. 16 USC 1029.

"(a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this Act or of any order of a court issued pursuant to section 11 of this Act; to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulation or order; to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time."; and

(4) by adding at the end thereof the following new subsection:

"(g) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this Act.".

SEC. 105. Section 11 of the Act is amended— Penalties. 16 USC 1030.

(1) by striking out "subsection (a), (b), or (c)" in subsection (a) of such section and inserting in lieu thereof "subsection (b), (c), or (d)";

(2) by striking out "subsection (d)" in subsection (b) of such section and inserting in lieu thereof "subsection (e)";

(3) by striking out "subsection (e)" in subsection (c) of such section and inserting in lieu thereof "subsection (f)"; and

(4) by amending subsection (d) of such section to read as follows:

"(d) Any person violating any other provision of this Act or any regulation adopted pursuant to this Act, upon conviction, shall be fined for a first offense not more than $500 and for a subsequent offense committed within five years not more than $1,000 and for such subsequent offense the court may order forfeited, in whole or in part, the fish taken by such person, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.".

SEC. 106. Section 12 of the Act is amended to read as follows: Arrest, enforcement, search and seizure authority. 68 Stat. 700; 71 Stat. 310. 16 USC 1031.

"SEC. 12. (a) Any duly authorized enforcement officer or employee of the Department of Commerce; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the Convention, this Act, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the Convention or of this Act, or of the regulations issued pursuant thereto, and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18 of the United States Code; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the Convention or this Act, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto, shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district courts and the United States magistrates may,

62 Stat. 815; 82 Stat. 1115.

4 UST 380.

within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the Convention or this Act or to regulations issued pursuant thereto. Any property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of Commerce.

4 UST 380.

"(b) 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 property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double 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 property 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.".

62 Stat. 974.

Ante, p. 784.

SEC. 107. (a) In subsection (b) of section 9 of the Act, as so redesignated by section 102 of this title, strike out "Coast Guard in cooperation with the Fish and Wildlife Service and the Bureau of Customs" and insert in lieu thereof "Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce and the Secretary of the Treasury".

(b) In subsections (c) and (e) of section 9 of the Act, as so redesignated by section 102 of this title, strike out "Fish and Wildlife Service" and insert in lieu thereof "Department of Commerce".

(c) In subsection (f) of section 9 of the Act, as so redesignated by section 103 of this title, and in subsection (b) of section 13 of such Act, strike out "Secretary of the Interior" and insert in lieu thereof "Secretary of Commerce".

68 Stat. 701.
16 USC 1032.

U.S. Commissioners.
16 USC 1022.

SEC. 108. (a) Section 3 of the Act is amended to read as follows:

"SEC. 3. (a) The United States shall be represented on the Commission by not more than four United States Commissioners to be appointed by the President and to serve at his pleasure; except that after January 1, 1973, (1) each United States Commissioner shall be appointed for a term of office of not to exceed four years, but is eligible for reappointment; and (2) any United States Commissioner may be appointed for a lesser term if necessary to insure that the term of office of not more than one Commissioner will expire in any one year. Of such Commissioners, who shall receive no compensation for their services as Commissioners, one shall be an official of the United States Government, and each of the others shall be a person residing in a State, the residents of which maintain a substantial fishery in the Convention area.

"(b) The Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise, at any meeting of the Commission or of the United States Section or of the Advisory Committee established pur-

suant to section 4, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner 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 authorized United States Commissioners that will not be present.". 68 Stat. 698. 16 USC 1023.

(b) The second sentence of section 4(d) of the Act is amended by striking out "may" and inserting in lieu thereof "shall".

(c) Section 5 of the Act is repealed. Repeal. 16 USC 1024.

(d) Section 13(a)(1) of the Act is amended by inserting immediately after "Commissioners" the following: "or Alternate Commissioners". 16 USC 1032.

TITLE II—ALTERNATE COMMISSIONERS

SEC. 201. In order to insure appropriate representation at meetings of international fisheries commissions, the Secretary of State, in consultation with the Secretary of Commerce or of the Interior as appropriate may designate from time to time Alternate United States Commissioners to the North Pacific Fur Seal Commission, the Inter-American Tropical Tuna Commission, the International Pacific Halibut Commission, the Great Lakes Fishery Commission, the International Whaling Commission, the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, the International Commission for the Conservation of Atlantic Tunas, and any similar commission (other than the International Commission for the Northwest Atlantic Fisheries and the International North Pacific Fisheries Commission) established pursuant to a convention between the United States and other governments. Alternate United States Commissioners may exercise, at any meeting of the respective Commission or of the United States Section thereof, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner 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 authorized United States Commissioners that will not be present. In the event that there are Deputy United States Commissioners pursuant to the convention or statute, such Deputy United States Commissioners shall have precedence over any Alternate Commissioners so designated pursuant to this title.

SEC. 202. Alternate United States Commissioners shall receive no compensation for their services. They may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5703 of title 5, United States Code, when engaged in the performance of their duties. Compensation. 80 Stat. 499; 83 Stat. 190.

SEC. 203. (a) Section 5 of the Great Lakes Fisheries Act of 1956 (16 U.S.C. 934) is repealed. Repeals. 70 Stat. 243.

(b) Section 5 of the Tuna Conventions Act of 1950 (16 U.S.C. 954) is repealed. 64 Stat. 778.

Approved October 9, 1972.

Public Law 92-472

October 9, 1972
[S. 345]

AN ACT

To authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes.

Coeur d'Alene Indian Reservation, Idaho. Tribal lands, sale or exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting consolidations of land situated within the Coeur d'Alene Indian Reservation in the State of Idaho into the ownership of the Coeur d'Alene Tribe and its individual members and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal and individually allotted lands on the Coeur d'Alene Reservation, the Secretary of the Interior is authorized in his discretion to:

(1) Sell or approve sales of any tribal trust lands, any interest therein, or improvements thereon.

(2) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands or interests in lands situated within such reservation.

SEC. 2. The sale and exchange of lands for the Coeur d'Alene Tribe pursuant to this Act shall be upon request of the business council of the Coeur d'Alene Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a consolidation plan approved by the Secretary of the Interior.

SEC. 3. Any moneys or credit received by the Coeur d'Alene Tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land consolidation program, approved by the Secretary of the Interior.

Lands held in multiple ownership.

SEC. 4. The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands or interests therein on the Coeur d'Alene Reservation held in multiple ownership to the Coeur d'Alene Tribe, to any member thereof, or to any other Indian having an interest in the land involved, if the sale or exchange is authorized in writing by owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than in any other statute of general application approved by Congress.

Lands held in trust.

SEC. 5. Title to any lands, or any interests therein, acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the Coeur d'Alene Tribe or individual Indians and shall be subject to the same laws relating to other Indian trust lands on the Coeur d'Alene Reservation.

Lands held by mortgage or deed of trust.

SEC. 6. The business council of the Coeur d'Alene Tribe may encumber any tribal land by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed of trust in accordance with the laws of the State of Idaho. The United States shall be an indispensable party to any such proceedings with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, United States Code: *Provided*, That the United States shall have the right to appeal from any order of remand in the case.

62 Stat. 939; 79 Stat. 887.

85 Stat. 626; *Ante*, p. 723.

SEC. 7. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is further amended by inserting immediately after "the Fort Mojave Reservation," the words "the Coeur d'Alene Indian Reservation,".

Approved October 9, 1972.

Public Law 92-473

AN ACT

October 9, 1972
[H. R. 15376]

To amend the Service Contract Act of 1965 to revise the method of computing wage rates under such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 (a)(1) of the Service Contract Act of 1965 is amended by striking out all after "locality," and inserting in lieu thereof the following: "or, where a collective-bargaining agreement covers any such service employees, in accordance with the rates for such employees provided for in such agreement, including prospective wage increases provided for in such agreement as a result of arm's-length negotiations. In no case shall such wages be lower than the minimum specified in subsection (b)".

Service Contract Act of 1965, amendments.
79 Stat. 1034.
41 USC 351.

(b) Section 2(a)(2) of such Act is amended by striking out the period after "locality" and inserting in lieu thereof the following: ", or, where a collective-bargaining agreement covers any such service employees, to be provided for in such agreement, including prospective fringe benefit increases provided for in such agreement as a result of arm's-length negotiations."

Fringe benefits.

SEC. 2. Section 2(a) of such Act is amended by adding at the end thereof the following new paragraph:

Federal agency rates, statement.

"(5) A statement of the rates that would be paid by the Federal agency to the various classes of service employees if section 5341 of title 5, United States Code, were applicable to them. The Secretary shall give due consideration to such rates in making the wage and fringe benefit determinations specified in this section."

Ante, p. 564.

SEC. 3. (a) Section 4(b) of such Act is amended by striking out all after "Act" and inserting in lieu thereof the following: "(other than section 10), but only in special circumstances where he determines that such limitation, variation, tolerance, or exemption is necessary and proper in the public interest or to avoid the serious impairment of government business, and is in accord with the remedial purpose of this Act to protect prevailing labor standards."

Enforcement authority, limitation.
41 USC 353.

(b) Section 4 of such Act is amended by adding at the end thereof the following new subsections:

"(c) No contractor or subcontractor under a contract, which succeeds a contract subject to this Act and under which substantially the same services are furnished, shall pay any service employee under such contract less than the wages and fringe benefits, including accrued wages and fringe benefits, and any prospective increases in wages and fringe benefits provided for in a collective-bargaining agreement as a result of arm's-length negotiations, to which such service employees would have been entitled if they were employed under the predecessor contract: *Provided*, That in any of the foregoing circumstances such obligations shall not apply if the Secretary finds after a hearing in accordance with regulations adopted by the Secretary that such wages and fringe benefits are substantially at variance with those which prevail for services of a character similar in the locality.

Predecessor contract, applicability.

"(d) Subject to limitations in annual appropriation Acts but notwithstanding any other provision of law, contracts to which this Act applies may, if authorized by the Secretary, be for any term of years not exceeding five, if each such contract provides for the periodic adjustment of wages and fringe benefits pursuant to future determinations, issued in the manner prescribed in section 2 of this Act no less often than once every two years during the term of the contract, covering the various classes of service employees."

Service contract term.

Violators.
79 Stat. 1035.
41 USC 354.

SEC. 4. Section 5(a) of such Act is amended by inserting before the first comma of the second sentence the words "because of unusual circumstances" and by adding at the end of such section 5(a) the following: "Where the Secretary does not otherwise recommend because of unusual circumstances, he shall, not later than ninety days after a hearing examiner has made a finding of a violation of this Act, forward to the Comptroller General the name of the individual or firm found to have violated the provisions of this Act."

Wages and fringe benefits, determination.

SEC. 5. Such Act is amended by adding at the end thereof the following new section:

"SEC. 10. It is the intent of the Congress that determinations of minimum monetary wages and fringe benefits for the various classes of service employees under the provisions of paragraphs (1) and (2) of section 2 should be made with respect to all contracts subject to this Act, as soon as it is administratively feasible to do so. In any event, the Secretary shall make such determinations with respect to at least the following contracts subject to this Act which are entered into during the applicable fiscal year:

"(1) For the fiscal year ending June 30, 1973, all contracts under which more than twenty-five service employees are to be employed.

"(2) For the fiscal year ending June 30, 1974, all contracts under which more than twenty service employees are to be employed.

"(3) For the fiscal year ending June 30, 1975, all contracts under which more than fifteen service employees are to be employed.

"(4) For the fiscal year ending June 30, 1976, all contracts under which more than ten service employees are to be employed.

"(5) For the fiscal year ending June 30, 1977, and for each fiscal year thereafter, all contracts under which more than five service employees are to be employed."

Approved October 9, 1972.

Public Law 92-474

October 9, 1972
[H. R. 10857]

AN ACT

To authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes.

Carson and Santa Fe National Forests, N. Mex. Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed certain national forest lands within the Carson and Sante Fe National Forests, in the State of New Mexico, of approximately one thousand and sixty acres, described and designated on a map on file in the Office of the Chief, Forest Service, Washington, District of Columbia, in exchange for approximately three hundred and ten acres of private land and the improvements thereon, of substantially equal value, within the Piedra Lumbre Grant, in the State of New Mexico, described and designated on a map on file in the Office of the Chief, Forest Service, Washington, District of Columbia.

SEC. 2. The Secretary of Agriculture may accept title to the private lands described in section 1 of the Act subject to such outstanding rights and reservations as he determines will not interfere with the purposes for which the land is being acquired.

SEC. 3. The Secretary of Agriculture may reserve such rights and interests in the national forest lands described in section 1 of the Act as he deems appropriate.

SEC. 4. The lands acquired by the United States as described in section 1 of this Act are hereby added to the Carson National Forest, and shall be administered in accordance with the laws, rules, and regulations applicable thereto and shall have the same status as lands withdrawn from the public domain for national forest purposes. Administration.

Approved October 9, 1972.

Public Law 92-475

AN ACT

October 9, 1972
[S. 3129]

To authorize the establishment of the Longfellow National Historic Site in Cambridge, Massachusetts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership for the benefit and inspiration of the people of the United States, a site of national historical significance containing a dwelling which is an outstanding example of colonial architecture and which served as George Washington's headquarters during the siege of Boston in 1775–1776, and from 1837 to 1882 as the home of Henry Wadsworth Longfellow, the Secretary of the Interior is authorized to acquire by donation the fee simple title to the real property and improvements thereon, together with furnishings and other personal property, situated at and known as 105 Brattle Street, Cambridge, Massachusetts, for establishment as the Longfellow National Historic Site. Longfellow National Historic Site, Mass. Establishment.

SEC. 2. The Secretary of the Interior is further authorized to accept the donation of not less than $200,000, and such other sums of money as may be tendered from time to time by the Trustees of the Longfellow House Trust, established pursuant to indentures dated October 28, 1913, and November 18, 1914, and such funds or any part thereof and any interest thereon, may be used exclusively for the purposes of administration, maintenance, and operation of the Longfellow National Historic Site. Donation.

SEC. 3. The Longfellow National Historic Site shall be established when title to the real and personal property described in section 1 of this Act and the sum of $200,000 as set forth in section 2 of this Act have been accepted by the Secretary of the Interior, and upon such establishment, the Longfellow National Historic Site shall be administered by the Secretary of the Interior in accordance with the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666). Administration. 16 USC 1 *et seq.*, 16 USC 461 *et seq.*

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $586,600 (May 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. Appropriation.

Approved October 9, 1972.

82-081 O - 73 - 53

Public Law 92-476

October 9, 1972
[S. 166]

AN ACT

To designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

Stratified Primitive Area and South Absaroka Wilderness.
Reclassification and name change.
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 of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately two hundred and eight thousand acres as generally depicted on a map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

Map and description, filing with congressional committees.

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 Washakie Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect is if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

Administration.

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness 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.

78 Stat. 890.
16 USC 1131 note.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

Special Management Unit.

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however*, That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

Administration.

Study; recommendation to President and Congress.

(b) The Secretary of Agriculture shall initiate a continuing study of the Special Management Unit and at the end of the five-year period following the enactment of this Act shall recommend to the President and the Congress what he considers to be the area's highest and best public use.

Map and description, filing with congressional committees.

(c) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however*, That corrections of clerical and typographical errors in such legal description and map may be made.

Approved October 9, 1972.

Public Law 92-477

AN ACT

October 9, 1972
[H. R. 14915]

To amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than one year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 10 of title 37, United States Code, is amended as follows:

Uniformed services.
Members in missing status, transportation of mobile dwellings and dependents.
80 Stat. 627.

(1) The catchline of section 554 and the corresponding item in the analysis for that section are each amended by inserting "trailers; additional movements;" after "household and personal effects;".

(2) Section 554(a) is amended by adding the following at the end: "Under regulations prescribed by the Secretaries concerned, and in place of the transportation of household and personal effects, a dependent, who would otherwise be entitled to transportation of household and personal effects under this section, may transport a house trailer or mobile dwelling within and between the areas specified in section 409 of this title for use as a residence by one of the following means—

76 Stat. 475; 81 Stat. 782.
37 USC 409.

"(1) transport it and be reimbursed by the United States;

"(2) deliver it to an agent of the United States for transportation by the United States or by commercial means; or

"(3) have it transported by commercial means and be reimbursed by the United States.

If a trailer or dwelling is transported under clause (2) or (3) of this subsection, that transportation may include one privately owned motor vehicle which may be shipped at United States expense. Transportation, and incidental costs, authorized by this section shall be at United States expense without any cost limitation, and any payment authorized may be made in advance of the transportation concerned."

81 Stat. 764; 82 Stat. 1315.

(3) Section 554(b) is amended by adding the following at the end: "In addition, he may authorize additional movements of, and prescribe transportation for, the dependents and household and personal effects, or the dependents and house trailer or mobile dwelling, of a member who is officially reported as absent for a period of more than one year in a missing status."

Approved October 9, 1972.

Public Law 92-478

AN ACT

October 9, 1972
[S. 2441]

To authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal.

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 authorized to conduct an investigation and study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal, in the States of North Carolina and Virginia. The Secretary shall consult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate the study with applicable outdoor recreation plans, highway plans, and other planning activities relating to the region. Such investigation and study shall be carried out for the purposes of determining (1) the desirability and feasibility of protecting

Great Dismal Swamp and Dismal Swamp Canal, N.C.-Va.
Protection and preservation, feasibility study.

and preserving the ecological, scenic, recreational, historical, and other resource values of the Great Dismal Swamp and the Dismal Swamp Canal, with particular emphasis on the development of the Dismal Swamp Canal for recreational boating purposes, (2) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and (3) the type of Federal, State, or local program, if any, that is feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values set forth in (1) including alternative means of achieving these values, together with a comparison of the costs and effectiveness of these alternative means.

Report to Congress.

SEC. 2. Upon the completion of the investigation and study authorized by this Act, but in no event later than two years following the date of the enactment of this Act, the Secretary of the Interior shall report to the Congress the results of such investigation and study, together with his recommendations with respect thereto.

Appropriation.

SEC. 3. There is authorized to be appropriated not to exceed $50,000 to carry out the provisions of this Act.

Approved October 9, 1972.

Public Law 92-479

October 9, 1972
[H. R. 14891]

AN ACT

To amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended by adding the following new section to chapter 21 thereof:

Coast Guard reservists.
Emergency augmentation.
70A Stat. 624; 76 Stat. 632.
14 USC 751a.

"§ 764. Active duty for emergency augmentation of regular forces

"(a) Notwithstanding the provisions of any other law and for the emergency augmentation of regular Coast Guard forces at times of serious natural or manmade disaster, accident, or catastrophe the Secretary may, subject to approval by the President and without the consent of persons affected, order to active duty of not more than fourteen days in any four-month period and not more than thirty days in any one-year period from the Coast Guard Ready Reserve any organized training unit; any member or members thereof; or any member not assigned to a unit organized to serve as a unit.

"(b) A reasonable time, under the circumstances of the domestic emergency involved, shall be allowed between the date when a Reserve ordered to active duty under this section is alerted for that duty and the date when he is required to enter upon that duty. Unless the Secretary determines that the nature of the domestic emergency does not allow it, this period shall be at least two days.

Active duty benefits.

"(c) Active duty served under this section—

"(1) shall satisfy on a day-for-day basis all or a part of the annual active duty for training requirement of section 270 of title 10, United States Code;

72 Stat. 1438; 85 Stat. 425.

"(2) does not satisfy any part of the active duty obligation of a member whose statutory Reserve obligation is not already terminated; and

"(3) entitles a member while engaged therein, or while

engaged in authorized travel to or from such duty, to all the rights and benefits, including pay and allowances and time creditable for pay and retirement purposes, to which he would be entitled while performing other regular active duty."

SEC. 2. The analysis of chapter 21 is amended by adding therein:

"764. Active duty for emergency augmentation of regular forces.".

Approved October 9, 1972.

Public Law 92-480

AN ACT

October 9, 1972
[S. 722]

To declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin.

Stockbridge Munsee Indian Community, Wis. Lands in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all the right, title, and interest of the United States, except all minerals including oil and gas, in the submarginal lands and federally owned improvements thereon, which are identified below, are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community, and the lands shall be a part of the reservation heretofore established for this community: Stockbridge Project LI–WI–11 Shawano County, Wisconsin, comprising thirteen thousand and seventy-seven acres, more or less, acquired by the United States 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), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order 7868 dated April 15, 1938, for the benefit of the Stockbridge Munsee Indian Community.

40 USC 401-411 note.

15 USC 724-728 note.

3 CFR, 1936-1938 Comp., p. 395.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Claims offset against U.S. 25 USC 70a.

Approved October 9, 1972.

Public Law 92-481

AN ACT

October 9, 1972
[H. R. 14537]

To amend section 703(b) of title 10, United States Code, to extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703(b) of title 10, United States Code, is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

84 Stat. 368.

Approved October 9, 1972.

Public Law 92-482

October 12, 1972
[H. R. 14909]

AN ACT

To amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status.

Uniformed services.
Missing status termination, pay continuance.
80 Stat. 625; 85 Stat. 489.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552(a) of title 37, United States Code, is amended to read as follows:

"(a) A member of a uniformed service who is on active duty or performing inactive-duty training, and who is in a missing status, is—

"(1) for the period he is in that status, entitled to receive or have credited to his account the same pay and allowances, as defined in this chapter, to which he was entitled at the beginning of that period or may thereafter become entitled; and

"(2) for the period, not to exceed one year, required for his hospitalization and rehabilitation after termination of that status, under regulations prescribed by the Secretaries concerned, with respect to incentive pay, considered to have satisfied the requirements of section 301 of this title so as to entitle him to a continuance of that pay.

Ante, p. 740.

However, a member who is performing full-time training duty or other full-time duty without pay, or inactive-duty training with or without pay, is entitled to the pay and allowances to which he would have been entitled if he had been on active duty with pay."

Approved October 12, 1972.

Public Law 92-483

October 12, 1972
[S. 1475]

AN ACT

To authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo", and for other purposes.

Gunboat "Cairo".
Restoration and reconstruction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve an object having national significance as part of the history of the Civil War, for the benefit and inspiration of the people of the United States, the Secretary of the Interior shall, in such manner as he deems advisable, utilize the authorities contained in the Act of August 21, 1935 (49 Stat. 666) to provide for the restoration and reconstruction on the gunboat "Cairo", formerly of the Union Navy, sunk in action in the Yazoo River, Mississippi, and for its exhibition at the Vicksburg National Military Park.

16 USC 461.

Administration.

SEC. 2. At such time as the restoration and reconstruction of the "Cairo" shall have been completed, and it has been located within the boundaries of the Vicksburg National Military Park, the "Cairo" shall be administered in accordance with all laws, rules, and regulations applicable to such park.

Appropriation.

SEC. 3. There are hereby authorized to be appropriated not more than $3,200,000 for the restoration of the "Cairo" and for the development of protective and interpretive facilities associated therewith.

Approved October 12, 1972.

Public Law 92-484

AN ACT

October 13, 1972
[H. R. 10243]

To establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; 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 "Technology Assessment Act of 1972".

Technology Assessment Act of 1972.

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

(1) large and growing in scale; and

(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.

(c) The Congress further finds that:

(1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequate and timely information, independently developed, relating to the potential impact of technological applications, and

(2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.

(d) Accordingly, it is necessary for the Congress to—

(1) equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and

(2) utilize this information, whenever appropriate, as one factor in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

SEC. 3. (a) In accordance with the findings and declaration of purpose in section 2, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

Technology Assessment Board.

(c) The basic function of the Office shall be to provide early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress. In carrying out such function, the Office shall:

Duties.

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible, ascertain cause-and-effect relationships;

(3) identify alternative technological methods of implementing specific programs;

(4) identify alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraph (1) through (5) of this subsection; and

(8) undertake such additional associated activities as the appropriate authorities specified under subsection (d) may direct.

(d) Assessment activities undertaken by the Office may be initiated upon the request of:

(1) the chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director, in consultation with the Board.

Information, availability.

(e) Assessments made by the Office, including information, surveys, studies, reports, and findings related thereto, shall be made available to the initiating committee or other appropriate committees of the Congress. In addition, any such information, surveys, studies, reports, and findings produced by the Office may be made available to the public except where—

(1) to do so would violate security statutes; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5, United States Code.

81 Stat. 54.

TECHNOLOGY ASSESSMENT BOARD

Membership.

SEC. 4. (a) The Board shall consist of thirteen members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and three from the minority party;

(2) six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party; and

(3) the Director, who shall not be a voting member.

Vacancies.

(b) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

Chairman and vice chairman.

(c) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each

Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

(d) The Board is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, and upon a vote of a majority of its members, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Board may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assent. Subpenas may be issued over the signature of the chairman of the Board or of any voting member designated by him or by the Board, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Board or any voting member thereof may administer oaths or affirmations to witnesses.

Meetings.

Subpena.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

Appointment.

Compensation.

83 Stat. 863.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this Act.

Employment restriction.

AUTHORITY OF THE OFFICE

SEC. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—

(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory,

Contracts.

or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(3) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(4) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Office and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation;

80 Stat. 499; 83 Stat. 190.

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from the exercise of authority granted by this Act; and

(6) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Office.

Recordkeeping.

(b) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Office, and such books and records (and related documents and papers) shall be available to the Office and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination.

(c) The Office, in carrying out the provisions of this Act, shall not, itself, operate any laboratories, pilot plants, or test facilities.

Agency cooperation.

(d) The Office is authorized to secure directly from any executive department or agency information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions under this Act. Each such executive department or agency shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Office upon its request.

Personnel detail.

(e) On request of the Office, the head of any executive department or agency may detail, with or without reimbursement, any of its personnel to assist the Office in carrying out its functions under this Act.

(f) The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act.

ESTABLISHMENT OF THE TECHNOLOGY ASSESSMENT ADVISORY COUNCIL

Membership.

SEC. 7. (a) The Office shall establish a Technology Assessment Advisory Council (hereinafter referred to as the "Council"). The Council shall be composed of the following twelve members:

(1) ten members from the public, to be appointed by the Board, who shall be persons eminent in one or more fields of the physical, biological, or social sciences or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities;

(2) the Comptroller General; and

(3) the Director of the Congressional Research Service of the Library of Congress.

(b) The Council, upon request by the Board, shall— Duties.

(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation thereof in accordance with section 3(d);

(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and

(3) undertake such additional related tasks as the Board may direct.

(c) The Council, by majority vote, shall elect from its members appointed under subsection (a)(1) of this section a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Council may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman. Chairman and Vice Chairman.

(d) The term of office of each member of the Council appointed under subsection (a)(1) shall be four years except that any such 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. No person shall be appointed a member of the Council under subsection (a)(1) more than twice. Terms of the members appointed under subsection (a)(1) shall be staggered so as to establish a rotating membership according to such method as the Board may devise. Term of office.

(e)(1) The members of the Council other than those appointed under subsection (a)(1) shall receive no pay for their services as members of the Council, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Council, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, United States Code, and regulations promulgated thereunder. Travel expenses. 80 Stat. 498; 83 Stat. 190. 5 USC 5701.

(2) The members of the Council appointed under subsection (a)(1) shall receive compensation for each day engaged in the actual performance of duties vested in the Council at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided for other members of the Council under paragraph (1) of this subsection. Compensation. 5 USC 5332 note.

UTILIZATION OF THE LIBRARY OF CONGRESS

SEC. 8. (a) To carry out the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance of the Congressional Research Service as may be appropriate and feasible.

(b) Such services and assistance made available to the Office shall include, but not be limited to, all of the services and assistance which the Congressional Research Service is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf

of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the purpose of this Act.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Librarian of Congress.

UTILIZATION OF THE GENERAL ACCOUNTING OFFICE

SEC. 9. (a) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the General Accounting Office.

(b) Such services and assistance to the Office shall include, but not be limited to, all of the services and assistance which the General Accounting Office is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the General Accounting Office under law performs for or on behalf of the Congress.

(d) Services and assistance made available to the Office by the General Accounting Office in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Comptroller General.

COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION

SEC. 10. (a) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment; and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

Scientific programs, financing. 82 Stat. 360.

(b) Section 3(b) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(b)), is amended to read as follows:

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities. When initiated or supported pursuant to requests made by any other Federal department or agency, including the Office of Technology Assessment, such activities shall be financed whenever feasible from funds transferred to the Foundation by the requesting official as provided in section 14(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate official."

64 Stat. 154; 82 Stat. 365. 42 USC 1873.

ANNUAL REPORT

SEC. 11. The Office shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. Such report shall be submitted not later than March 15 of each year.

APPROPRIATIONS

SEC. 12. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

Approved October 13, 1972.

Public Law 92-485

AN ACT

October 13, 1972
[H. R. 13825]

To extend the time for commencing actions on behalf of an Indian tribe, band, or group.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28 of the United States Code, section 2415, is amended as follows:

Indian claims.
Statute of limitations.
80 Stat. 304;
Ante, p. 499.

(a) The period at the end of subsection (a) shall be changed to a colon, and the following provision shall be added thereto: "*Provided further*, That an action for money damages which accrued on the date of enactment of this Act in accordance with subsection (g) brought by the United States for or on behalf of a recognized tribe, band, or group of American Indians, or on behalf of an individual Indian whose land is held in trust or restricted status, shall not be barred unless the complaint is filed more than eleven years after the right of action accrued or more than two years after a final decision has been rendered in applicable administrative proceedings required by contract or by law, whichever is later.".

(b) In subsection (b), the period at the end of the subsection shall be changed to a comma, and the following words shall be added thereto: "except that such actions for or on behalf of a recognized tribe, band, or group of American Indians, including actions relating to allotted trust or restricted Indian lands, or on behalf of an individual Indian whose land is held in trust or restricted status which accrued on the date of enactment of this Act in accordance with subsection (g) may be brought within eleven years after the right of action accrues.".

Approved October 13, 1972.

Public Law 92-486

JOINT RESOLUTION

October 13, 1972
[H. J. Res. 1263]

Authorizing the President to proclaim October 30, 1972, as "National Sokol Day".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating October 30, 1972, as "National Sokol Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

National Sokol Day.
Designation authorization.

Approved October 13, 1972.

Public Law 92-487

October 13, 1972
[H. R. 9198]

AN ACT

To amend the Act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 4, 1955 (69 Stat. 245), as amended by the Act of May 14, 1956 (70 Stat. 155), is hereby amended to read as follows:

Irrigation distribution and drainage systems. Construction. 43 USC 421a.

"That distribution and drainage systems authorized to be constructed under the Federal reclamation laws may, in lieu of construction by the Secretary of the Interior (referred to in this Act as the 'Secretary'), be constructed by irrigation districts or other public agencies according to plans and specifications approved by the Secretary as provided in this Act. The drainage systems referred to in this Act are those required for collection and removal of excess irrigation water, either on or below the surface of the ground and do not include enlargement or alteration of existing waterways for disposition of natural runoff.

32 Stat. 388. 43 USC 371 and note.

Loans.

"SEC. 2. To assist financially in the construction of the aforesaid local distribution and drainage systems by irrigation districts and other public agencies the Secretary is authorized, on application therefor by such irrigation districts or other public agencies, to make funds available on a loan basis from moneys appropriated for the construction of such distribution and drainage systems to any irrigation district or other public agency in an amount equal to the estimated construction cost of such system, contingent upon a finding by the Secretary that the loan can be returned to the United States in accordance with the general repayment provisions of sections 2(d) and 9(d) of the Reclamation Project Act of August 4, 1939, and upon a showing that such district or agency already holds or can acquire all lands and interests in land (except public and other lands or interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by him) necessary for the construction, operation, and maintenance of the project. The Secretary shall, upon approval of a loan, including any loan for a distribution and drainage system receiving water from the San Luis unit, Central Valley project, authorized by the Act of June 3, 1960 (74 Stat. 156), enter into a repayment contract which includes such provisions as the Secretary shall deem necessary and proper to provide assurance of prompt repayment of the loan within not to exceed forty years plus a development period not to exceed ten years. The term 'irrigation district or other public agency' shall for the purposes of this Act mean any conservancy district, irrigation district, water users' organization, or other organization, which is organized under State law and which has capacity to enter into contracts with the United States pursuant to the Federal reclamation laws.

53 Stat. 1187; 72 Stat. 542; 76 Stat. 407. 43 USC 485a, 485h.

Repayment contract.

"Irrigation district or other public agency."

Requirements.

"SEC. 3. The Secretary shall require, as conditions to any such loan, that the borrower contribute in money or materials, labor, lands, or interests in land, computed at their reasonable value, a portion not in excess of 10 per centum, of the construction cost of the distribution and drainage system (including all costs of acquiring lands and interests in land), that the plans for the system be in accord with sound engineering practices and be such as will achieve the purposes for which the system was authorized, and that the borrower agree to account in full in regard to all disbursements of borrowed funds and to return at once for application toward amortization of the loan all funds which are not expended in the construction of the distribution and drainage system. Every organization contracting for repayment

of a loan under this Act shall operate and maintain its distribution and drainage works in conformity with reasonable contractual requirements determined to be appropriate for the protection of the United States. The Secretary is hereby authorized to reconvey to borrowers all lands or interests in lands and distribution works transferred to the United States under the provisions of this Act: *Provided*, That any reconveyance shall be upon the condition that the repayment contract of the borrower be amended to include such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan. The head of any department or agency of the Government within whose administrative jurisdiction are lands owned by the United States the use of which is reasonably necessary for the construction, operation, and maintenance of distribution and drainage works under this Act may grant to a borrower or prospective borrower under this Act revocable permission for the use thereof in like manner as under the Acts of March 3, 1891, sections 18 to 21 (26 Stat. 1101), as amended (43 U.S.C. 946–949), January 21, 1895 (28 Stat. 635), as amended (43 U.S.C. 956), February 15, 1901 (31 Stat. 790), as amended (16 U.S.C. 79, 522; 43 U.S.C. 959), February 1, 1905 (33 Stat. 628; 16 U.S.C. 524), March 1, 1921 (41 Stat. 1194; 43 U.S.C. 950), May 9, 1941 (55 Stat. 183; 43 U.S.C. 931a), July 24, 1946, section 7 (60 Stat. 643), as amended (43 U.S.C. 931b), May 31, 1947 (61 Stat. 124; 38 U.S.C. 11i), February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328), or September 3, 1954 (68 Stat. 1146; 43 U.S.C. 931c–931d), or any other similar Act which is applicable to the lands involved: *Provided*, That no such permission shall be granted in the case of lands being administered for national park, national monument, or wildlife purposes.

Reconveyance.

44 Stat. 668.

70A Stat. 675.
72 Stat. 1254.
38 USC 5014.

Restriction.

"SEC. 4. Except as herein otherwise provided, the provisions of the Federal reclamation laws, and Acts amendatory thereto, are continued in full force and effect.

32 Stat. 388.
43 USC 371 and note.

"SEC. 5. Unless otherwise provided in the Act authorizing construction of the project, the delivery and distribution of municipal and industrial water supplies shall be deemed to be an authorized project purpose under this Act, and where appropriate, an allocation of loan funds acceptable to the Secretary shall be made between irrigation and municipal and industrial purposes. Loan repayment contracts shall require that the borrower pay interest on that portion of the unamortized loan obligation (including interest during construction) allocated in each year to municipal and industrial purposes at the rate provided in the Act authorizing the project, or absent such an authorized rate, at a rate determined by the Secretary of the Treasury as of the beginning of the fiscal year in which the contract, or contract amendment entered into pursuant to section 6 hereof, is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum.

Municipal and industrial water supply, delivery.

Loan repayment contract requirements.

"SEC. 6. The Secretary is hereby authorized to negotiate amendments to existing water service and irrigation distribution system loan contracts to conform said contracts to the provisions of this Act.

Existing loans amendatory contracts, negotiation.

"SEC. 7. Nothing in this Act shall be construed to repeal or limit the procedural and substantive requirements of section 8 of the Act of June 17, 1902 (32 Stat. 388).

43 USC 372, 383.

"SEC. 8. Works financed by loans made under this Act shall be subject to all procedural and substantive requirements of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended); the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151); and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321)."

60 Stat. 1080; 72 Stat. 563. 16 USC 661 note.

Post, p. 816.

Approved October 13, 1972.

Public Law 92-488

October 13, 1972
[H. R. 6318]

AN ACT

To declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes.

Burns Indian Colony, Oreg. Lands in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all of the right, title, and interest of the United States in approximately seven hundred and sixty-two acres of land, and the improvements thereon, located in sections 1 and 12, township 23 south, range 30 east, Willamette meridian, Oregon, that were 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 benefit of the Burns Indian Colony, Oregon, are hereby declared to be held by the United States in trust for said colony, and to be an Indian reservation for the use and benefit of said colony.

40 USC 401-411 note.

15 USC 724-728 note.

SEC. 2. Subject to valid existing rights, there shall also be held in trust for such Burns Indian Colony and added to the reservation established by section 1 of this Act, that certain parcel of land consisting of ten acres, described as the northwest quarter northwest quarter northwest quarter, section 13, township 23 south, range 30 east, Williamette meridian, Harney County, Oregon, which was conveyed on March 2, 1928, by warranty deed from the Egan Land Company, an Oregon corporation, to the United States of America, and which property has been used and occupied since purchase as a permanent camp or place of residence for the Burns Indian Colony of Harney County.

Administration.

SEC. 3. The property subject to this Act shall be administered in accordance with the laws and regulations applicable to Indian tribal property.

Ante, p. 788.

SEC. 4. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is hereby further amended by inserting after "the Fort Mojave Reservation" the words "the Burns Paiute Reservation,".

Claims offset against U.S.

SEC. 5. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission

25 USC 70a.

Approved October 13, 1972.

Public Law 92-489

AN ACT

October 13, 1972
[H. R. 7378]

To Create a Commission on Revision of the Federal Court Appellate System of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission on Revision of the Federal Court Appellate System (hereinafter referred to as "Commission") whose function shall be—

Commission on Revision of the Federal Court Appellate System. Establishment.

(a) to study the present division of the United States into the several judicial circuits and to report to the President, the Congress, and the Chief Justice its recommendations for changes in the geographical boundaries of the circuits as may be most appropriate for the expeditious and effective disposition of judicial business.

Reports to President, Congress and Chief Justice.

(b) to study the structure and internal procedures of the Federal courts of appeal system, and to report to the President, the Congress, and the Chief Justice its recommendations for such additional changes in structure or internal procedure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal courts of appeal, consistent with fundamental concepts of fairness and due process.

SEC. 2. (a) The Commission shall be composed of sixteen members appointed as follows:

Membership.

(1) four members appointed by the President of the United States;

(2) four Members of the Senate appointed by the President pro tempore of the Senate;

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives, and

(4) four members appointed by the Chief Justice of the United States.

(b) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

Vacancies.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Nine members of the Commission shall constitute a quorum, but three may conduct hearings.

Quorum.

SEC. 3. (a) Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not exceeding the maximum amounts authorized under section 456 of title 28, United States Code.

Travel expenses.

67 Stat. 488; 73 Stat. 285.

(b) Members of the Commission from private life shall receive $100 per diem for each day (including traveltime) during which he is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

SEC. 4. (a) The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding that prescribed for level V of the Executive Schedule.

Executive Director.

83 Stat. 863. 5 USC 5315 note.

(b) The Executive Director, with approval of the Commission, may appoint and fix the compensation of such additional personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or

Personnel compensation.

5 USC 101 *et seq.*

80 Stat. 443, 467.
5 USC 5101, 5331.
5 USC 5332 note.

the provisions of chapter 51 and subchapter III of chapter 53 relating to classification and General Schedule pay rates: *Provided, however*, That such compensation shall not exceed the annual rate of basic pay for GS–18 of the General Schedule under section 5332, title 5, United States Code.

Experts and consultants.
80 Stat. 416.

(c) The Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates, section 5332, title 5, United States Code.

(d) The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, for the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services on a reimbursable basis.

Governmental cooperation.

SEC. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this Act and each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chairman of the Commission.

Reports to President, Congress, and Chief Justice.

SEC. 6. The Commission shall transmit to the President, the Congress, and the Chief Justice—

(1) its report under section 1(a) of this Act within one hundred and eighty days of the date on which its ninth member is appointed; and

(2) its report under section 1(b) of this Act within fifteen months of the date on which its ninth member is appointed.

Termination.

The Commission shall cease to exist ninety days after the date of the submission of its second report.

Appropriation.

SEC. 7. There are hereby authorized to be appropriated to the Commission such sums, but not more than $270,000, as may be necessary to carry out the purposes of this Act. Authority is hereby granted for appropriated money to remain available until expended.

Approved October 13, 1972.

Public Law 92-490

October 13, 1972
[H. J. Res. 1211]

JOINT RESOLUTION

To amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission.

South Pacific Commission.
U.S. participation.
84 Stat. 1876.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of Public Law 403, Eightieth Congress, as amended (22 U.S.C. 280b), is hereby further amended (1) by striking out "not to exceed $250,000 per fiscal year" and (2) by inserting before the period at the end thereof the following: "except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses apportioned among participating governments of the Commission for that year".

Approved October 13, 1972.

Public Law 92-491

AN ACT

October 13, 1972
[H. R. 2895]

To provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") shall convey (in accordance with section 2 of this Act) to the National Firefighting Museum and Center for Fire Prevention, Incorporated, a corporation organized under the District of Columbia Nonprofit Corporation Act, all right, title, and interest of the District of Columbia in and to the real property described in section 3 of this Act. For purposes of this Act, the term "corporation" means the corporation described in this section, and the term "real property" means the real property described in section 3 of this Act.

D.C. National Firefighting Museum and Center for Fire Prevention, Inc. Land conveyance. 76 Stat. 265. D.C. Code 29-1001.

SEC. 2. (a) The Commissioner shall not make the conveyance provided for in the first section of this Act until the Corporation has provided reasonable assurances satisfactory to the Commissioner that—

(1) adequate financial support will be available to the Corporation to restore and maintain the real property for the purposes set forth in clause (1) of subsection (b) of this section; and

(2) a sufficient amount of apparatus, equipment, and other artifacts relating to firefighting will be available to provide a suitable display on the real property.

(b) The conveyance provided for in the first section of this Act shall be made without the payment of monetary consideration by the Corporation. Such conveyance shall be made subject to the following:

(1) The Corporation shall use the real property (A) for the purposes of the Corporation stated in its articles of incorporation and bylaws as of February 28, 1969, and (B) for the purpose of maintaining and displaying such apparatus, equipment, or other artifacts relating to firefighting as may be loaned or otherwise transferred to the Corporation by the District of Columbia or the United States or other sources acceptable to the Corporation for display on the real property.

(2) If the real property shall ever cease to be used for such purposes, or if the corporation is unable prior to the expiration of the five year period immediately following the date of enactment of this Act to obtain adequate financial support to restore such property and equipment for display, all right, title, and interest in and to the real property shall, at the option of the Commissioner, revert to and become the property of the District of Columbia and the District of Columbia shall have the immediate right of entry thereon.

SEC. 3. The real property referred to in the first section of this Act is part of Record Lot 47 in Square 1200 and is more particularly described as follows:

Beginning for the same at a point on the south line of M Street, said point of beginning being 127.50 feet west of the west line of Wisconsin Avenue; and running thence east along the south line of M Street 38.38 feet to the centerline of the west wall of the premises 3208 M Street Northwest;

thence in a southerly direction along the centerline of said wall and a continuation thereof 90.0 feet;

thence in a westerly direction along a line parallel to the south line of M Street 38.88 feet, more or less, to a point 127.50 feet west of the west line of Wisconsin Avenue;

thence in a northerly direction 90.0 feet to the point of beginning: all as shown on a plat of survey recorded in the Office of the Surveyor of the District of Columbia in survey book 51, page 66.

Tax exemption.

SEC. 4. (a) Subject to the provisions of subsection (b) of this section, the real property and any personal property owned by the corporation which is located on the real property shall be exempt from taxation by the District of Columbia.

(b) The property described in subsection (a) of this section shall be exempt from taxation by the District of Columbia so long as it is owned by the corporation for the purposes described in section 2(b)(1) of this Act. The provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, secs. 47–801b, 47–801c, and 47–801e), shall apply with respect to the corporation and the property made exempt from taxation by this section.

56 Stat. 1091.

Repeal.
73 Stat. 446.

SEC. 5. The Act of September 1, 1959 (Public Law 86–216) is repealed.

Approved October 13, 1972.

Public Law 92-492

October 13, 1972
[H. R. 3817]

AN ACT

To amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands.

Virgin Islands.
National Guard,
establishment.
70A Stat. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(2) of title 10, United States Code, is amended by inserting "Except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States," before "'Territory' means".

70A Stat. 596;
74 Stat. 417.

SEC. 2. (a) Section 101(1) of title 32, United States Code, is amended by adding the following new sentence at the end: "However, for purposes of this title and other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, 'Territory' includes the Virgin Islands."

(b) Section 307 of title 32, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(g) Federal recognition may not be extended in the case of any member of the National Guard of the Virgin Islands in any grade above colonel."

76 Stat. 451.

SEC. 3. Clauses (7) and (9) of section 101 of title 37, United States Code, are each amended by inserting "the Virgin Islands", after "the Canal Zone", in each of those clauses.

Approved October 13, 1972.

Public Law 92-493

AN ACT

October 13, 1972
[H. R. 5838]

To designate certain lands in the Lava Beds National Monument in California, as wilderness.

Black Lava Flow and Schonchin Lava Flow areas, Calif.
Reclassification and designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), those lands within the area generally known as the Black Lava Flow in the Lava Beds National Monument comprising about ten thousand acres, as depicted on the map entitled "Wilderness Plan, Lava Beds National Monument, California", numbered NM–LB–3227H and dated August 1972, and those lands within the area generally known as the Schonchin Lava Flow comprising about eighteen thousand four hundred and sixty acres, as depicted on such map, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Map and description, filing with congressional committees.

SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committees 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.

SEC. 3. The area designated by this Act as wilderness shall be known as the "Lava Beds Wilderness" and shall be administered by the Secretary of the Interior in accordance with 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, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

78 Stat. 890.
16 USC 1131 note.

Approved October 13, 1972.

Public Law 92-494

JOINT RESOLUTION

October 14, 1972
[H. J. Res. 1257]

To authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer.

International Agency for Research on Cancer.
Annual U.S. payment, appropriation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, There are hereby authorized to be appropriated such sums as may be necessary for the annual payment by the United States of its share of the expenses of the International Agency for Research on Cancer as determined in accordance with article VIII of the Statute of the International Agency for Research on Cancer, except that in no event shall that payment for any year exceed 16 per centum of all contributions assessed Participating Members of the Agency for that year.

16 UST 1239; 21 UST 1567.

Approved October 14, 1972.

Public Law 92-495

October 14, 1972
[H. R. 13533]

AN ACT

To amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the Act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes.

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

District of Columbia Public Utilities Reimbursement Act of 1972.

SECTION 1. This Act may be cited as the "District of Columbia Public Utilities Reimbursement Act of 1972".

60 Stat. 793; 84 Stat. 587.

SEC. 2. Section 5 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–704), is amended by adding at the end thereof the following new subsections:

"(c) Notwithstanding any provisions of law to be contrary, whenever, as the result of urban redevelopment, any utility facilities are required to be relocated, adjusted, replaced, removed, or abandoned in order to meet the requirements of or to conform to a redevelopment plan, or any modification of such plan adopted pursuant to this Act, the utility owning such facilities, shall relocate, adjust, replace, remove, or abandon the same, as the case may be. The cost of relocation, adjustment, replacement, or removal, and the cost of abandonment of such facilities shall be paid to the utility by the Agency as part of the cost of the redevelopment project.

Definitions.

"(d) As used in this section—

"(1) The term 'utility' means any gas plant, gas corporation, electric plant, electrical corporation, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipeline company, whether publicly or privately owned, as those terms are defined in paragraph 1 of section 8 of the Act of March 4, 1913 (relating to appropriation for expenses for the government of the District of Columbia) (D.C. Code, secs. 43–112—43–121).

37 Stat. 975.

"(2) The term 'utility facility' means all real and personal property, buildings, and equipment owned or held by a utility in connection with the conduct of its lawful business.

"(3) The term 'cost of relocation, adjustment, replacement, or removal' means the entire amount paid by such utility properly attributable to such relocation, adjustment, replacement, or removal, as the case may be, less any increase in value on account of any betterment of the new utility facilities over the old utility facilities, and less any salvage value derived from the old utility facilities.

"(4) The term 'cost of abandonment' means the actual cost to abandon any utility facilities which are not to be used, relocated, adjusted, replaced, removed, or salvaged, together with the original cost of such abandoned facilities, less depreciation."

60 Stat. 795; 72 Stat. 1103.

SEC. 3. Section 7(h) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–706(h)) is amended by inserting immediately after the words "include in the cost payable by it" a comma and the phrase: "in addition to the costs provided for in section 5(c) hereof,".

72 Stat. 885. 23 USC 101.

SEC. 4. (a) Notwithstanding any provisions of law to the contrary, whenever the Commissioner of the District of Columbia shall determine that the construction or modification of a project, on or a part of the National System of Interstate and Defense Highways within the District of Columbia under title 23 of the United States Code, necessitates the relocation, adjustment, replacement, removal, or abandonment of utility facilities, the utility owning such facilities shall

relocate, adjust, replace, remove, or abandon the same, as the case may be. The cost of relocation, adjustment, replacement, or removal, and the cost of abandonment of such facilities, shall be paid to the utility by the District of Columbia, as a part of the cost of such project.

Definition.

(b) As used in this section—

(1) The term "utility" means any gas plant, gas corporation, electric plant, electrical corporation, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipeline company, whether publicly or privately owned, as those terms are defined in paragraph 1 of section 8 of the Act of March 4, 1913 (relating to appropriation for expenses for the government of the District of Columbia) (D.C. Code, secs. 43–112—43–121).

37 Stat. 975.

(2) The term "utility facility" means all real and personal property, buildings, and equipment owned or held by a utility in connection with the conduct of its lawful business.

(3) The term "cost of relocation, adjustment, replacement, or removal" means the entire amount paid by such utility properly attributable to such relocation, adjustment, replacement, or removal, as the case may be, less any increase in value on account of any betterment of the new utility facilities over the old utility facilities, and less any salvage value derived from the old utility facilities.

(4) The term "cost of abandonment" means the actual cost to abandon any utility facilities which are not to be used, relocated, adjusted, replaced, removed, or salvaged, together with the original cost of such abandoned facilities, less depreciation.

SEC. 5. Section 5 of the Act entitled "An Act providing for a permanent form of government for the District of Columbia", approved June 11, 1878 (D.C. Code, sec. 7–605), is amended by inserting at the end thereof after the word "direct" a comma and the following phrase: "except as provided in sections 5(c) and 7(h) of the District of Columbia Redevelopment Act of 1945 and section 4 of the District of Columbia Public Utilities Reimbursement Act of 1972".

20 Stat. 107.

Ante, p. 812.

Approved October 14, 1972.

Public Law 92-496

AN ACT

October 14, 1972
[H. R. 12652]

To extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, 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 102(j) of the Civil Rights Act of 1957 (42 U.S.C. 1975a(j); 71 Stat. 635), as amended, is further amended by striking therefrom the first and second sentences and substituting therefor the following: "A witness attending any session of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States."

Civil Rights Commission.
Witness fees.
78 Stat. 249.

SEC. 2. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 635), as amended, is further amended by striking therefrom "the sum of $100 per day for each day spent in the work of the Commission," and substituting therefor "a sum equivalent to the compensation paid at level IV of the Federal Executive Salary Schedule, pursuant to section 5315 of title 5, United States Code, prorated on a daily basis for each day spent in the work of the Commission,".

Compensation.
84 Stat. 1356.
83 Stat. 863.

SEC. 3. Paragraph (1) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended by inserting immediately after "religion," the following: "sex," and paragraphs (2), (3), and (4) of subsection (a) of such

Sex discrimination.

section 104 are each amended by inserting immediately after "religion" the following: ", sex".

Final report, extension. 81 Stat. 582.

SEC. 4. Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking therefrom "January 31, 1973" and substituting therefor "the last day of fiscal year 1978".

Personnel compensation. 84 Stat. 1356.

SEC. 5. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended, is further amended as follows:

In section 105(a) by striking out in the last sentence thereof "as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of $100 per diem," and substituting therefor "as authorized by section 3109 of title 5, United States Code, but at rates for individuals not in excess of the daily equivalent paid for positions at the maximum rate for GS–15 of the General Schedule under section 5332 of title 5, United States Code".

80 Stat. 416.

5 USC 5332 note.

Appropriation. 85 Stat. 166.

SEC. 6. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e; 71 Stat. 636), as amended, is further amended to read as follows:

"SEC. 106. For the purposes of carrying out this Act, there is authorized to be appropriated for the fiscal year ending June 30, 1973, the sum of $5,500,000, and for each fiscal year thereafter through June 30, 1978, the sum of $7,000,000."

Approved October 14, 1972.

Public Law 92-497

October 17, 1972 [H. R. 11948]

AN ACT

To amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law.

Hague Conference on Private International Law. U.S. participation. 77 Stat. 775. 22 USC 269g-1.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of Public Law 88–244, approved December 3, 1963, is amended to read as follows:

"SEC. 2. There are authorized to be appropriated such sums as may be necessary for the payment by the United States of its proportionate share of the expenses of the Hague Conference on Private International Law and of the International (Rome) Institute for the Unification of Private Law, except that in no event shall any payment of the United States to the Conference or the Institute for any year exceed 7 per centum of all expenses apportioned among members of the Conference or the Institute, as the case may be, for that year."

Approved October 17, 1972.

Public Law 92-498

October 18, 1972 [H. R. 9676]

AN ACT

To authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee.

State of Tennessee. Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey, without consideration, to the State of Tennessee for the use of the University of Tennessee, Knox County, Tennessee, all right, title, and interest of the United States in and to the real property referred to as

the United States Cotton Field Station, Knox County, Tennessee, containing 90.45 acres, more or less, more specifically described in section 2 of this Act.

SEC. 2. The real property referred to in the first section of this Act is more specifically described as follows:

Beginning at a point in the forks of Tipton Pike and the new road, the southwest corner of a tract of land conveyed by J. H. Lewis to Harriet H. Lay by deed dated January 18, 1932, and registered in Deed Book 519, page 468, in the Register's Office of Knox County, Tennessee; thence with the center of the Tipton Pike south 53 degrees 30 minutes west 964 feet to a point in the center of said pike; thence with same south 55 degrees 30 minutes west 353 feet to a point in the center of said pike; a corner of the tract of lands of Hall and Gibson; thence with the lands of said Hall, north 27 degrees 25 minutes west 1,867 feet to the center of the main line of the Southern Railway, north 31 degrees, east 1,955 feet to a point at the intersection of said main line and spur track thereof; thence with said spur track north 33 degrees 45 minutes east 115 feet; north 35 degrees 10 minutes east 258 feet; north 48 degrees 35 minutes east 276 feet to the center of an old road; thence with said old road south 4 degrees 45 minutes east 957 feet; south 11 degrees 45 minutes east 1,261 feet to a point at the junction of said old road and the new road and a lane leading east therefrom; thence with said new road south 10 degrees 50 minutes east 875 feet to the beginning, containing 90.45 acres, more or less.

SEC. 3. The real property conveyed pursuant to this Act shall be used consistent with the educational purposes of the University of Tennessee, including but not limited to, the promotion of the breeding of livestock (including the right to lease such property for such purposes to East Tennessee Artificial Breeders Association, or to any other nonprofit organization chartered by the State of Tennessee), and if such property ceases to be used for such purposes, as determined by the Administrator of General Services, title thereto shall revert to and become the property of the United States which shall have the right of immediate entry thereon. Use.

SEC. 4. The University of Tennessee shall pay the cost of such surveys as may be necessary to carry out this Act and shall bear all other expenses in connection with the preparation and recording of the legal documents necessary to carry out this Act. Costs, payment.

Approved October 18, 1972.

Public Law 92-499

AN ACT

October 18, 1972
[S. 2700]

To extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under such terms and conditions as he shall determine and consonant with the purposes of this Act, the President is authorized to extend, or to enter into an agreement extending, to the Mission to the United States of America of the Commission of the European Communities, and to members thereof, the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof.

Commission of the European Communities, mission to U.S.A. Diplomatic privileges.

Approved October 18, 1972.

Public Law 92-500

AN ACT

To amend the Federal Water Pollution Control Act.

October 18, 1972
[S. 2770]

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 Water Pollution Control Act Amendments of 1972".

Federal Water Pollution Control Act Amendments of 1972.

70 Stat. 498; 84 Stat. 91.
33 USC 1151 note.

SEC. 2. The Federal Water Pollution Control Act is amended to read as follows:

"TITLE I—RESEARCH AND RELATED PROGRAMS

"DECLARATION OF GOALS AND POLICY

"SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

"(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

"(2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;

"(3) it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;

"(4) it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works;

"(5) it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State; and

"(6) it is the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans.

"(b) It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act. It is further the policy of the Congress to support and aid research relating to the prevention, reduction, and elimination of pollution, and to provide Federal technical services and financial aid to State and interstate agencies and municipalities in connection with the prevention, reduction, and elimination of pollution.

"(c) It is further the policy of Congress that the President, acting through the Secretary of State and such national and international organizations as he determines appropriate, shall take such action as may be necessary to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, reduction, and elimination of pollution in their waters and in international waters and for the achievement of goals regarding the elimination of discharge of pollutants and the improvement of water quality to at least the same extent as the United States does under its laws.

Administration.

"(d) Except as otherwise expressly provided in this Act, the Administrator of the Environmental Protection Agency (hereinafter in this Act called 'Administrator') shall administer this Act.

"(e) Public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State under this Act shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes. Regulations.

"(f) It is the national policy that to the maximum extent possible the procedures utilized for implementing this Act shall encourage the drastic minimization of paperwork and interagency decision procedures, and the best use of available manpower and funds, so as to prevent needless duplication and unnecessary delays at all levels of government.

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 102. (a) The Administrator shall, after careful investigation, and in cooperation with other Federal agencies, State water pollution control agencies, interstate agencies, and the municipalities and industries involved, prepare or develop comprehensive programs for preventing, reducing, or eliminating the pollution of the navigable waters and ground waters and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for the protection and propagation of fish and aquatic life and wildlife, recreational purposes, and the withdrawal of such waters for public water supply, agricultural, industrial, and other purposes. For the purpose of this section, the Administrator is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

"(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

"(2) The need for and the value of storage for regulation of streamflow (other than for water quality) including but not limited to navigation, salt water intrusion, recreation, esthetics, and fish and wildlife, shall be determined by the Corps of Engineers, Bureau of Reclamation, or other Federal agencies.

"(3) The need for, the value of, and the impact of, storage for water quality control shall be determined by the Administrator, and his views on these matters shall be set forth in any report or presentation to Congress proposing authorization or construction of any reservoir including such storage. Water storage; report to Congress.

"(4) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of regulation of streamflow in a manner which will insure that all project purposes, share equitably in the benefits of multiple-purpose construction.

"(5) Costs of regulation of streamflow features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

"(6) No license granted by the Federal Power Commission for a hydroelectric power project shall include storage for regulation of streamflow for the purpose of water quality control unless the Administrator shall recommend its inclusion and such reservoir storage capacity shall not exceed such proportion of the total storage required for the water quality control plan as the drainage area of such reservoir bears to the drainage area of the river basin or basins involved in such water quality control plan.

Grants.

"(c) (1) The Administrator shall, at the request of the Governor of a State, or a majority of the Governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed three years, which period shall begin after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control plan for a basin or portion thereof.

Ante, p. 816.

"(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control plan for the basin or portion thereof which—

"(A) is consistent with any applicable water quality standards, effluent and other limitations, and thermal discharge regulations established pursuant to current law within the basin;

"(B) recommends such treatment works as will provide the most effective and economical means of collection, storage, treatment, and elimination of pollutants and recommends means to encourage both municipal and industrial use of such works;

"(C) recommends maintenance and improvement of water quality within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan; and

"(D) as appropriate, is developed in cooperation with, and is consistent with any comprehensive plan prepared by the Water Resources Council, any areawide waste management plans developed pursuant to section 208 of this Act, and any State plan developed pursuant to section 303(e) of this Act.

"Basin."

"(3) For the purposes of this subsection the term 'basin' includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

"INTERSTATE COOPERATION AND UNIFORM LAWS

"SEC. 103. (a) The Administrator shall encourage cooperative activities by the States for the prevention, reduction, and elimination of pollution, encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention, reduction, and elimination of pollution; and encourage compacts between States for the prevention and control of pollution.

Consent of Congress.

"(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory

upon any State a party thereto unless and until it has been approved by the Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

"SEC. 104. (a) The Administrator shall establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs shall—

"(1) in cooperation with other Federal, State, and local agencies, conduct and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of pollution;

"(2) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of activities referred to in paragraph (1) of this subsection;

"(3) conduct, in cooperation with State water pollution control agencies and other interested agencies, organizations and persons, public investigations concerning the pollution of any navigable waters, and report on the results of such investigations;

"(4) establish advisory committees composed of recognized experts in various aspects of pollution and representatives of the public to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research;

Water quality surveillance system, report.

"(5) in cooperation with the States, and their political subdivisions, and other Federal agencies establish, equip, and maintain a water quality surveillance system for the purpose of monitoring the quality of the navigable waters and ground waters and the contiguous zone and the oceans and the Administrator shall, to the extent practicable, conduct such surveillance by utilizing the resources of the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Geological Survey, and the Coast Guard, and shall report on such quality in the report required under subsection (a) of section 516; and

Report to Congress.

"(6) initiate and promote the coordination and acceleration of research designed to develop the most effective practicable tools and techniques for measuring the social and economic costs and benefits of activities which are subject to regulation under this Act; and shall transmit a report on the results of such research to the Congress not later than January 1, 1974.

"(b) In carrying out the provisions of subsection (a) of this section the Administrator is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities referred to in paragraph (1) of subsection (a);

"(2) cooperate with other Federal departments and agencies, State water pollution control agencies, interstate agencies, other public and private agencies, institutions, organizations, industries involved, and individuals, in the preparation and conduct of such research and other activities referred to in paragraph (1) of subsection (a);

"(3) make grants to State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals, for purposes stated in paragraph (1) of subsection (a) of this section;

"(4) contract with public or private agencies, institutions, organizations, and individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5), referred to in paragraph (1) of subsection (a);

"(5) establish and maintain research fellowships at public or nonprofit private educational institutions or research organizations;

"(6) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying water quality and other information pertaining to pollution and the prevention, reduction, and elimination thereof; and

"(7) develop effective and practical processes, methods, and prototype devices for the prevention, reduction, and elimination of pollution.

Pollutant effects, study.

"(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons caused by pollutants. In order to avoid duplication of effort, the Administrator shall, to the extent practicable, conduct such research in cooperation with and through the facilities of the Secretary of Health, Education, and Welfare.

HEW, cooperation.

"(d) In carrying out the provisions of this section the Administrator shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

"(1) Practicable means of treating municipal sewage, and other waterborne wastes to implement the requirements of section 201 of this Act;

"(2) Improved methods and procedures to identify and measure the effects of pollutants, including those pollutants created by new technological developments; and

"(3) Methods and procedures for evaluating the effects on water quality of augmented streamflows to control pollution not susceptible to other means of prevention, reduction, or elimination.

Field research laboratories.

"(e) The Administrator shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention, reduction and elimination of pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out. In conjunction with the development of criteria under section 403 of this Act, the Administrator shall construct the facilities authorized for the National Marine Water Quality Laboratory established under this subsection.

Great Lakes, water quality research.

"(f) The Administrator shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and

projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving pollution problems (including additional waste treatment measures) with respect to such waters.

Treatment works, pilot training programs.

"(g) (1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Administrator shall finance pilot programs, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, on entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Administrator is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

Employment needs, forecasting.

"(2) The Administrator is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, reduction, and elimination of pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Administrator is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

31 USC 529.
41 USC 5.

"(B) establish and maintain research fellowships in the Environmental Protection Agency with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellows; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, reduction, and elimination of pollution for personnel of public agencies and other persons with suitable qualifications.

Report to President, transmittal to Congress.

"(4) The Administrator shall submit, through the President, a report to the Congress not later than December 31, 1973, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

Lake pollution.

"(h) The Administrator is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and

individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, reduction, and elimination of pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

Oil pollution control, studies.

"(i) The Administrator, in cooperation with the Secretary of the department in which the Coast Guard is operating, shall—

"(1) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention, control, and elimination of oil and hazardous substances pollution;

"(2) publish from time to time the results of such activities; and

Publication in Federal Register.

"(3) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used in the control of oil and hazardous substances spills.

In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

Vessels, solid waste disposal equipment.

"(j) The Secretary of the department in which the Coast Guard is operating shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary of the department in which the Coast Guard is operating shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any regulations established under section 312 of this Act. In carrying out this subsection the Secretary of the department in which the Coast Guard is operating may enter into contracts with, or make grants to, public or private organizations and individuals.

Report to Congress.

Land acquisition.

"(k) In carrying out the provisions of this section relating to the conduct by the Administrator of demonstration projects and the development of field laboratories and research facilities, the Administrator may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Administrator as the circumstances require.

Pesticides, effects and control.

"(l)(1) The Administrator shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than January 1, 1973, develop and issue to the States for the purpose of carrying out this Act the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) The President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct studies and investigations of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water

environment and alternatives thereto. The President shall submit reports, from time to time, on such investigations to Congress together with his recommendations for any necessary legislation.

Reports to Congress.

"(m)(1) The Administrator shall, in an effort to prevent degradation of the environment from the disposal of waste oil, conduct a study of (A) the generation of used engine, machine, cooling, and similar waste oil, including quantities generated, the nature and quality of such oil, present collecting methods and disposal practices, and alternate uses of such oil; (B) the long-term, chronic biological effects of the disposal of such waste oil; and (C) the potential market for such oils, including the economic and legal factors relating to the sale of products made from such oils, the level of subsidy, if any, needed to encourage the purchase by public and private nonprofit agencies of products from such oil, and the practicability of Federal procurement, on a priority basis, of products made from such oil. In conducting such study, the Administrator shall consult with affected industries and other persons.

Waste oil disposal.

"(2) The Administrator shall report the preliminary results of such study to Congress within six months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and shall submit a final report to Congress within 18 months after such date of enactment.

Reports to Congress.

"(n)(1) The Administrator shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, continuing comprehensive studies of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such studies shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

Estuaries, pollution effects.

"(2) In conducting such studies, the Administrator shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

"(3) The Administrator shall submit to Congress, from time to time, reports of the studies authorized by this subsection but at least one such report during any three year period. Copies of each such report shall be made available to all interested parties, public and private.

Reports to Congress.

"(4) For the purpose of this subsection, the term 'estuarine zones' means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term 'estuary' means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

"Estuarine zones."

"Estuary."

"(o)(1) The Administrator shall conduct research and investigations on devices, systems, incentives, pricing policy, and other methods of reducing the total flow of sewage, including, but not limited

Water, unnecessary consumption.

to, unnecessary water consumption in order to reduce the requirements for, and the costs of, sewage and waste treatment services. Such research and investigations shall be directed to develop devices, systems, policies, and methods capable of achieving the maximum reduction of unnecessary water consumption.

Reports to Congress.

"(2) The Administrator shall report the preliminary results of such studies and investigations to the Congress within one year after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and annually thereafter in the report required under subsection (a) of section 516. Such report shall include recommendations for any legislation that may be required to provide for the adoption and use of devices, systems, policies, or other methods of reducing water consumption and reducing the total flow of sewage. Such report shall include an estimate of the benefits to be derived from adoption and use of such devices, systems, policies, or other methods and also shall reflect estimates of any increase in private, public, or other cost that would be occasioned thereby.

Ante, p. 816.

Agricultural pollution.

"(p) In carrying out the provisions of subsection (a) of this section the Administrator shall, in cooperation with the Secretary of Agriculture, other Federal agencies, and the States, carry out a comprehensive study and research program to determine new and improved methods and the better application of existing methods of preventing, reducing, and eliminating pollution from agriculture, including the legal, economic, and other implications of the use of such methods.

Rural sewage.

"(q) (1) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods of preventing, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems.

"(2) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods for the collection and treatment of sewage and other liquid wastes combined with the treatment and disposal of solid wastes.

Colleges, research grants.

"(r) The Administrator is authorized to make grants to colleges and universities to conduct basic research into the structure and function of fresh water aquatic ecosystems, and to improve understanding of the ecological characteristics necessary to the maintenance of the chemical, physical, and biological integrity of freshwater aquatic ecosystems.

"River Study Centers."

"(s) The Administrator is authorized to make grants to one or more institutions of higher education (regionally located and to be designated as 'River Study Centers') for the purpose of conducting and reporting on interdisciplinary studies on the nature of river systems, including hydrology, biology, ecology, economics, the relationship between river uses and land uses, and the effects of development within river basins on river systems and on the value of water resources and water related activities. No such grant in any fiscal year shall exceed $1,000,000.

Thermal discharges.

"(t) The Administrator shall, in cooperation with State and Federal agencies and public and private organizations, conduct continuing comprehensive studies of the effects and methods of control of thermal discharges. In evaluating alternative methods of control the studies shall consider (1) such data as are available on the latest available technology, economic feasibility including cost-effec-

tiveness analysis, and (2) the total impact on the environment, considering not only water quality but also air quality, land use, and effective utilization and conservation of fresh water and other natural resources. Such studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results of these studies shall be reported by the Administrator as soon as practicable, but not later than 270 days after enactment of this subsection, and shall be made available to the public and the States, and considered as they become available by the Administrator in carrying out section 316 of this Act and by the States in proposing thermal water quality standards.

Public information.

"(u) There is authorized to be appropriated (1) $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, for carrying out the provisions of this section other than subsections (g) (1) and (2), (p), (r), and (t); (2) not to exceed $7,500,000 for fiscal year 1973 for carrying out the provisions of subsection (g) (1); (3) not to exceed $2.500,000 for fiscal year 1973 for carrying out the provisions of subsection (g) (2); (4) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (p); (5) not to exceed $15,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (r); and (6) not to exceed $10,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (t).

Appropriations.

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 105. (a) The Administrator is authorized to conduct in the Environmental Protection Agency, and to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of—

Environmental Protection Agency, demonstration projects.

"(1) any project which will demonstrate a new or improved method of preventing, reducing, and eliminating the discharge into any waters of pollutants from sewers which carry storm water or both storm water and pollutants; or

"(2) any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes), or new or improved methods of joint treatment systems for municipal and industrial wastes;

and to include in such grants such amounts as are necessary for the purpose of reports, plans, and specifications in connection therewith.

"(b) The Administrator is authorized to make grants to any State or States or interstate agency to demonstrate, in river basins or portions thereof, advanced treatment and environmental enhancement techniques to control pollution from all sources, within such basins or portions thereof, including nonpoint sources, together with in stream water quality improvement techniques.

"(c) In order to carry out the purposes of section 301 of this Act, the Administrator is authorized to (1) conduct in the Environmental Protection Agency, (2) make grants to persons, and (3) enter into contracts with persons, for research and demonstration projects for prevention of pollution of any waters by industry including, but not limited to, the prevention, reduction, and elimination of the discharge of pollutants. No grant shall be made for any project under this subsection unless the Administrator determines that such project will develop or demonstrate a new or improved method of treating

industrial wastes or otherwise prevent pollution by industry, which method shall have industrywide application.

"(d) In carrying out the provisions of this section, the Administrator shall conduct, on a priority basis, an accelerated effort to develop, refine, and achieve practical application of:

"(1) waste management methods applicable to point and nonpoint sources of pollutants to eliminate the discharge of pollutants, including, but not limited to, elimination of runoff of pollutants and the effects of pollutants from inplace or accumulated sources;

"(2) advanced waste treatment methods applicable to point and nonpoint sources, including inplace or accumulated sources of pollutants, and methods for reclaiming and recycling water and confining pollutants so they will not migrate to cause water or other environmental pollution; and

"(3) improved methods and procedures to identify and measure the effects of pollutants on the chemical, physical, and biological integrity of water, including those pollutants created by new technological developments.

"(e)(1) The Administrator is authorized to (A) make, in consultation with the Secretary of Agriculture, grants to persons for research and demonstration projects with respect to new and improved methods of preventing, reducing, and eliminating pollution from agriculture, and (B) disseminate, in cooperation with the Secretary of Agriculture, such information obtained under this subsection, section 104(p), and section 304 as will encourage and enable the adoption of such methods in the agricultural industry.

"(2) The Administrator is authorized, (A) in consultation with other interested Federal agencies, to make grants for demonstration projects with respect to new and improved methods of preventing, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems, and (B) in cooperation with other interested Federal and State agencies, to disseminate such information obtained under this subsection as will encourage and enable the adoption of new and improved methods developed pursuant to this subsection.

Limitations.

"(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

"(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

"(2) No grant shall be made for any project in an amount exceeding 75 per centum of cost thereof as determined by the Administrator; and

"(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

"(g) Federal grants under subsections (c) and (d) of this section shall not exceed 75 per centum of the cost of the project.

Appropriation.

"(h) For the purpose of this section there is authorized to be appropriated $75,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, and from such appropriations at least 10 per centum of the funds actually appropriated in each fiscal year shall be available only for the purposes of subsection (e).

"GRANTS FOR POLLUTION CONTROL PROGRAMS

"SEC. 106. (a) There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section— State programs, appropriations.

"(1) $60,000,000 for the fiscal year ending June 30, 1973; and

"(2) $75,000,000 for the fiscal year ending June 30, 1974;

for grants to States and to interstate agencies to assist them in administering programs for the prevention, reduction, and elimination of pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.

"(b) From the sums appropriated in any fiscal year, the Administrator shall make allotments to the several States and interstate agencies in accordance with regulations promulgated by him on the basis of the extent of the pollution problem in the respective States. Allotments.

"(c) The Administrator is authorized to pay to each State and interstate agency each fiscal year either—

"(1) the allotment of such State or agency for such fiscal year under subsection (b), or

"(2) the reasonable costs as determined by the Administrator of developing and carrying out a pollution program by such State or agency during such fiscal year,

which ever amount is the lesser.

"(d) No grant shall be made under this section to any State or interstate agency for any fiscal year when the expenditure of non-Federal funds by such State or interstate agency during such fiscal year for the recurrent expenses of carrying out its pollution control program are less than the expenditure by such State or interstate agency of non-Federal funds for such recurrent program expenses during the fiscal year ending June 30, 1971. Limitations.

"(e) Beginning in fiscal year 1974 the Administrator shall not make any grant under this section to any State which has not provided or is not carrying out as a part of its program—

"(1) the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, and to compile and analyze data on (including classification according to eutrophic condition), the quality of navigable waters and to the extent practicable, ground waters including biological monitoring; and provision for annually updating such data and including it in the report required under section 305 of this Act;

"(2) authority comparable to that in section 504 of this Act and adequate contingency plans to implement such authority.

"(f) Grants shall be made under this section on condition that— Conditions.

"(1) Such State (or interstate agency) files with the Administrator within one hundred and twenty days after the date of enactment of this section:

"(A) a summary report of the current status of the State pollution control program, including the criteria used by the State in determining priority of treatment works; and

"(B) such additional information, data, and reports as the Administrator may require.

"(2) No federally assumed enforcement as defined in section 309 (a)(2) is in effect with respect to such State or interstate agency.

"(3) Such State (or interstate agency) submits within one hundred and twenty days after the date of enactment of this section and before July 1 of each year thereafter for the Administrator's approval its program for the prevention, reduction, and elimination of pollution in accordance with purposes and provisions of this Act in such form and content as the Administrator may prescribe.

"(g) Any sums allotted under subsection (b) in any fiscal year which are not paid shall be reallotted by the Administrator in accordance with regulations promulgated by him.

"MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 107. (a) The Administrator in cooperation with the Appalachian Regional Commission and other Federal agencies is authorized to conduct, to make grants for, or to contract for, projects to demonstrate comprehensive approaches to the elimination or control of acid or other mine water pollution resulting from active or abandoned mining operations and other environmental pollution affecting water quality within all or part of a watershed or river basin, including siltation from surface mining. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control, and other pollution affecting water quality, including techniques that demonstrate the engineering and economic feasibility and practicality of using sewage sludge materials and other municipal wastes to diminish or prevent pollution affecting water quality from acid, sedimentation, or other pollutants and in such projects to restore affected lands to usefulness for forestry, agriculture, recreation, or other beneficial purposes.

"(b) Prior to undertaking any demonstration project under this section in the Appalachian region (as defined in section 403 of the Appalachian Regional Development Act of 1965, as amended), the Appalachian Regional Commission shall determine that such demonstration project is consistent with the objectives of the Appalachian Regional Development Act of 1965, as amended.

79 Stat. 21; 81 Stat. 266; 83 Stat. 215. 40 USC app. 403.

"(c) The Administrator, in selecting watersheds for the purposes of this section, shall be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

79 Stat. 5; 85 Stat. 173. 40 USC app. 1.

Federal participation, conditions.

"(d) Federal participation in such projects shall be subject to the conditions—

"(1) that the State shall acquire any land or interests therein necessary for such project; and

"(2) that the State shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

Appropriation.

"(e) There is authorized to be appropriated $30,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"POLLUTION CONTROL IN GREAT LAKES

Federal-State cooperation.

"SEC. 108. (a) The Administrator, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other reduction and remedial techniques which will contribute substantially to effective and practical methods of pollution prevention, reduction, or elimination.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Administrator. Federal participation, condition.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of subsections (a) and (b) of this section, which sum shall be available until expended. Appropriation.

"(d)(1) In recognition of the serious conditions which exist in Lake Erie, the Secretary of the Army, acting through the Chief of Engineers, is directed to design and develop a demonstration waste water management program for the rehabilitation and environmental repair of Lake Erie. Prior to the initiation of detailed engineering and design, the program, along with the specific recommendations of the Chief of Engineers, and recommendations for its financing, shall be submitted to the Congress for statutory approval. This authority is in addition to, and not in lieu of, other waste water studies aimed at eliminating pollution emanating from select sources around Lake Erie. Lake Erie demonstration program.

"(2) This program is to be developed in cooperation with the Environmental Protection Agency, other interested departments, agencies, and instrumentalities of the Federal Government, and the States and their political subdivisions. This program shall set forth alternative systems for managing waste water on a regional basis and shall provide local and State governments with a range of choice as to the type of system to be used for the treatment of waste water. These alternative systems shall include both advanced waste treatment technology and land disposal systems including aerated treatment-spray irrigation technology and will also include provisions for the disposal of solid wastes, including sludge. Such program should include measures to control point sources of pollution, area sources of pollution, including acid-mine drainage, urban runoff and rural runoff, and in place sources of pollution, including bottom loads, sludge banks, and polluted harbor dredgings. Alternative systems.

"(e) There is authorized to be appropriated $5,000,000 to carry out the provisions of subsection (d) of this section, which sum shall be available until expended. Appropriation.

"TRAINING GRANTS AND CONTRACTS

"SEC. 109. (a) The Administrator is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"(b) (1) The Administrator may pay 100 per centum of any additional cost of construction of a treatment works required for a facility to train and upgrade waste treatment works operation and maintenance personnel.

"(2) The Administrator shall make no more than one grant for such additional construction in any State (to serve a group of States, where, in his judgment, efficient training programs require multi-State programs), and shall make such grant after consultation with and approval by the State or States on the basis of (A) the suitability of such facility for training operation and maintenance personnel for treatment works throughout such State or States; and (B) a commitment by the State agency or agencies to carry out at such facility a program of training approved by the Administrator.

Limitation.

"(3) The Administrator may make such grant out of the sums allocated to a State under section 205 of this Act, except that in no event shall the Federal cost of any such training facilities exceed $250,000.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 110. (1) A grant or contract authorized by section 109 may be made only upon application to the Administrator at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 109 and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 111;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"(2) The Administrator shall allocate grants or contracts under section 109 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purpose of this section.

"(3) (A) Payment under this section may be used in accordance with regulations of the Administrator, and subject to the terms and conditions set forth in an application approved under paragraph (1), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treat-

ment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under paragraph (1).

"AWARD OF SCHOLARSHIPS

"SEC. 111. (1) The Administrator is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Administrator may determine but not to exceed four academic years.

"(2) The Administrator shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Administrator shall approve a program of any institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 110 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Administrator for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Administrator shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Administrator shall (in addition to the stipends paid to persons under paragraph (1)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Administrator finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Administrator by or pursuant to regulation.

Regulations.

"(6) The Administrator shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Administrator determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 112. (a) As used in sections 109 through 112 of this Act—

"(1) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Administrator for this purpose. For purposes of this subsection, the Administrator shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

79 Stat. 1269; 82 Stat. 1042, 1050.
20 USC 1141.

"(2) The term 'academic year' means an academic year or its equivalent, as determined by the Administrator.

Annual report.

"(b) The Administrator shall annually report his activities under sections 109 through 112 of this Act, including recommendations for needed revisions in the provisions thereof.

"(c) There are authorized to be appropriated $25,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out sections 109 through 112 of this Act.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 113. (a) The Administrator is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and elimination or control of pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of pollution for all native villages in such State.

HEW, cooperation.

"(b) In carrying out this section the Administrator shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Administrator shall report to Congress not later than July 1, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program. Report to Congress.

"(d) There is authorized to be appropriated not to exceed $2,000,000 to carry out this section. Appropriation.

"LAKE TAHOE STUDY

"SEC. 114. (a) The Administrator, in consultation with the Tahoe Regional Planning Agency, the Secretary of Agriculture, other Federal agencies, representatives of State and local governments, and members of the public, shall conduct a thorough and complete study on the adequacy of and need for extending Federal oversight and control in order to preserve the fragile ecology of Lake Tahoe.

"(b) Such study shall include an examination of the interrelationships and responsibilities of the various agencies of the Federal Government and State and local governments with a view to establishing the necessity for redefinition of legal and other arrangements between these various governments, and making specific legislative recommendations to Congress. Such study shall consider the effect of various actions in terms of their environmental impact on the Tahoe Basin, treated as an ecosystem.

"(c) The Administrator shall report on such study to Congress not later than one year after the date of enactment of this subsection. Report to Congress.

"(d) There is authorized to be appropriated to carry out this section not to exceed $500,000. Appropriation.

"IN-PLACE TOXIC POLLUTANTS

"SEC. 115. The Administrator is directed to identify the location of in-place pollutants with emphasis on toxic pollutants in harbors and navigable waterways and is authorized, acting through the Secretary of the Army, to make contracts for the removal and appropriate disposal of such materials from critical port and harbor areas. There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. Appropriation.

"TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

"PURPOSE

"SEC. 201. (a) It is the purpose of this title to require and to assist the development and implementation of waste treatment management plans and practices which will achieve the goals of this Act.

"(b) Waste treatment management plans and practices shall provide for the application of the best practicable waste treatment technology before any discharge into receiving waters, including reclaiming and recycling of water, and confined disposal of pollutants so they will not migrate to cause water or other environmental pollution and shall provide for consideration of advanced waste treatment techniques.

"(c) To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution, including in place or accumulated pollution sources.

"(d) The Administrator shall encourage waste treatment management which results in the construction of revenue producing facilities providing for—

"(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture, or aquaculture products, or any combination thereof;

"(2) the confined and contained disposal of pollutants not recycled;

"(3) the reclamation of wastewater; and

"(4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

"(e) The Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of, or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designated regional management agency to aid in financing other environmental improvement programs.

"(f) The Administrator shall encourage waste treatment management which combines 'open space' and recreational considerations with such management.

"(g)(1) The Administrator is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works.

Conditions.

"(2) The Administrator shall not make grants from funds authorized for any fiscal year beginning after June 30, 1974, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that—

"(A) alternative waste management techniques have been studied and evaluated and the works proposed for grant assistance will provide for the application of the best practicable waste treatment technology over the life of the works consistent with the purposes of this title; and

"(B) as appropriate, the works proposed for grant assistance will take into account and allow to the extent practicable the application of technology at a later date which will provide for the reclaiming or recycling of water or otherwise eliminate the discharge of pollutants.

"(3) The Administrator shall not approve any grant after July 1, 1973, for treatment works under this section unless the applicant shows to the satisfaction of the Administrator that each sewer collection system discharging into such treatment works is not subject to excessive infiltration.

"(4) The Administrator is authorized to make grants to applicants for treatment works grants under this section for such sewer system evaluation studies as may be necessary to carry out the requirements of paragraph (3) of this subsection. Such grants shall be made in accordance with rules and regulations promulgated by the Administrator. Initial rules and regulations shall be promulgated under this paragraph not later than 120 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

Rules and regulations.

Ante, p. 816.

"FEDERAL SHARE

"SEC. 202. (a) The amount of any grant for treatment works made under this Act from funds authorized for any fiscal year beginning after June 30, 1971, shall be 75 per centum of the cost of construction

thereof (as approved by the Administrator). Any grant (other than for reimbursement) made prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from any funds authorized for any fiscal year beginning after June 30, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under this section. *Ante*, p. 816.

"(b) The amount of the grant for any project approved by the Administrator after January 1, 1971, and before July 1, 1971, for the construction of treatment works, the actual erection, building or acquisition of which was not commenced prior to July 1, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under subsection (a) of this section for grants for treatment works from funds for fiscal years beginning after June 30, 1971, with respect to the cost of such actual erection, building, or acquisition. Such increased amount shall be paid from any funds allocated to the State in which the treatment works is located without regard to the fiscal year for which such funds were authorized. Such increased amount shall be paid for such project only if—

"(1) a sewage collection system that is a part of the same total waste treatment system as the treatment works for which such grant was approved is under construction or is to be constructed for use in conjunction with such treatment works, and if the cost of such sewage collection system exceeds the cost of such treatment works, and

"(2) the State water pollution control agency or other appropriate State authority certifies that the quantity of available ground water will be insufficient, inadequate, or unsuitable for public use, including the ecological preservation and recreational use of surface water bodies, unless effluents from publicly-owned treatment works after adequate treatment are returned to the ground water consistent with acceptable technological standards.

"PLANS, SPECIFICATIONS, ESTIMATES, AND PAYMENTS

"SEC. 203. (a) Each applicant for a grant shall submit to the Administrator for his approval, plans, specifications, and estimates for each proposed project for the construction of treatment works for which a grant is applied for under section 201(g)(1) from funds allotted to the State under section 205 and which otherwise meets the requirements of this Act. The Administrator shall act upon such plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such plans, specifications, and estimates shall be deemed a contractual obligation of the United States for the payment of its proportional contribution to such project.

"(b) The Administrator shall, from time to time as the work progresses, make payments to the recipient of a grant for costs of construction incurred on a project. These payments shall at no time exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project. Limitation.

"(c) After completion of a project and approval of the final voucher by the Administrator, he shall pay out of the appropriate sums the unpaid balance of the Federal share payable on account of such project.

"LIMITATIONS AND CONDITIONS

"SEC. 204. (a) Before approving grants for any project for any treatment works under section 201(g)(1) the Administrator shall determine—

"(1) that such works are included in any applicable areawide waste treatment management plan developed under section 208 of this Act;

"(2) that such works are in comformity with any applicable State plan under section 303(e) of this Act;

"(3) that such works have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with any applicable State plan under section 303(e) of this Act;

"(4) that the applicant proposing to construct such works agrees to pay the non-Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring proper and efficient operation, including the employment of trained management and operations personnel, and the maintenance of such works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency, after construction thereof;

"(5) that the size and capacity of such works relate directly to the needs to be served by such works, including sufficient reserve capacity. The amount of reserve capacity provided shall be approved by the Administrator on the basis of a comparison of the cost of constructing such reserves as a part of the works to be funded and the anticipated cost of providing expanded capacity at a date when such capacity will be required;

"(6) that no specification for bids in connection with such works shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment, or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words 'or equal'.

"(b)(1) Notwithstanding any other provision of this title, the Administrator shall not approve any grant for any treatment works under section 201(g)(1) after March 1, 1973, unless he shall first have determined that the applicant (A) has adopted or will adopt a system of charges to assure that each recipient of waste treatment services within the applicant's jurisdiction, as determined by the Administrator, will pay its proportionate share of the costs of operation and maintenance (including replacement) of any waste treatment services provided by the applicant; (B) has made provision for the payment to such applicant by the industrial users of the treatment works, of that portion of the cost of construction of such treatment works (as determined by the Administrator) which is allocable to the treatment of such industrial wastes to the extent attributable to the Federal share of the cost of construction; and (C) has legal, institutional, managerial, and financial capability to insure adequate construction, operation, and maintenance of treatment works throughout the applicant's jurisdiction, as determined by the Administrator.

"(2) The Administrator shall, within one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and after consultation with appropriate State, interstate, municipal, and intermunicipal agencies, issue guidelines applicable to payment of waste treatment costs by industrial and nonindustrial recipients of waste treatment services which shall establish (A) classes of users of such services, including categories of industrial users; (B) criteria against which to determine the adequacy of charges imposed on classes and categories of users reflecting all

Ante, p. 816.

factors that influence the cost of waste treatment, including strength, volume, and delivery flow rate characteristics of waste; and (C) model systems and rates of user charges typical of various treatment works serving municipal-industrial communities.

"(3) The grantee shall retain an amount of the revenues derived from the payment of costs by industrial users of waste treatment services, to the extent costs are attributable to the Federal share of eligible project costs provided pursuant to this title as determined by the Administrator, equal to (A) the amount of the non-Federal cost of such project paid by the grantee plus (B) the amount, determined in accordance with regulations promulgated by the Administrator, necessary for future expansion and reconstruction of the project, except that such retained amount shall not exceed 50 per centum of such revenues from such project. All revenues from such project not retained by the grantee shall be deposited by the Administrator in the Treasury as miscellaneous receipts. That portion of the revenues retained by the grantee attributable to clause (B) of the first sentence of this paragraph, together with any interest thereon shall be used solely for the purposes of future expansion and reconstruction of the project.

"(4) Approval by the Administrator of a grant to an interstate agency established by interstate compact for any treatment works shall satisfy any other requirement that such works be authorized by Act of Congress.

"ALLOTMENT

"SEC. 205. (a) Sums authorized to be appropriated pursuant to section 207 for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For the fiscal years ending June 30, 1973, and June 30, 1974, such ratio shall be determined on the basis of table III of House Public Works Committee Print No. 92–50. Allotments for fiscal years which begin after the fiscal year ending June 30, 1974, shall be made only in accordance with a revised cost estimate made and submitted to Congress in accordance with section 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

"(b)(1) Any sums allotted to a State under subsection (a) shall be available for obligation under section 203 on and after the date of such allotment. Such sums shall continue available for obligation in such State for a period of one year after the close of the fiscal year for which such sums are authorized. Any amounts so allotted which are not obligated by the end of such one-year period shall be immediately reallotted by the Administrator, in accordance with regulations promulgated by him, generally on the basis of the ratio used in making the last allotment of sums under this section. Such reallotted sums shall be added to the last allotments made to the States. Any sum made available to a State by reallotment under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this title during any fiscal year.

"(2) Any sums which have been obligated under section 203 and which are released by the payment of the final voucher for the project shall be immediately credited to the State to which such sums were last allotted. Such released sums shall be added to the amounts last allotted to such State and shall be immediately available for obligation in the same manner and to the same extent as such last allotment.

"REIMBURSEMENT AND ADVANCED CONSTRUCTION

"SEC. 206. (a) Any publicly owned treatment works in a State on which construction was initiated after June 30, 1966, but before July 1, 1972, which was approved by the appropriate State water pollution control agency and which the Administrator finds meets the requirements of section 8 of this Act in effect at the time of the initiation of construction shall be reimbursed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under such section 8 for such project and 50 per centum of the cost of such project, or 55 per centum of the project cost where the Administrator also determines that such treatment works was constructed in conformity with a comprehensive metropolitan treatment plan as described in section 8(f) of the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Nothing in this subsection shall result in any such works receiving Federal grants from all sources in excess of 80 per centum of the cost of such project.

79 Stat. 907.
33 USC 1158.
Ante, p. 816.

"(b) Any publicly owned treatment works constructed with or eligible for Federal financial assistance under this Act in a State between June 30, 1956, and June 30, 1966, which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of section 8 of this Act prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 but which was constructed without assistance under such section 8 or which received such assistance in an amount less than 30 per centum of the cost of such project shall qualify for payments and reimbursement of State or local funds used for such project from sums allocated to such State under this section in an amount which shall not exceed the difference between the amount of such assistance, if any, received for such project and 30 per centum of the cost of such project.

Application.

"(c) No publicly owned treatment works shall receive any payment or reimbursement under subsection (a) or (b) of this section unless an application for such assistance is filed with the Administrator within the one year period which begins on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Any application filed within such one year period may be revised from time to time, as may be necessary.

"(d) The Administrator shall allocate to each qualified project under subsection (a) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation. The Administrator shall allocate to each qualified project under subsection (b) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds

for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation.

Appropriation.

"(e) There is authorized to be appropriated to carry out subsection (a) of this section not to exceed $2,000,000,000 and, to carry out subsection (b) of this section, not to exceed $750,000,000. The authorizations contained in this subsection shall be the sole source of funds for reimbursements authorized by this section.

"(f)(1) In any case where all funds allotted to a State under this title have been obligated under section 203 of this Act, and there is construction of any treatment works project without the aid of Federal funds and in accordance with all procedures and all requirements applicable to treatment works projects, except those procedures and requirements which limit construction of projects to those constructed with the aid of previously allotted Federal funds, the Administrator, upon his approval of an application made under this subsection therefor, is authorized to pay the Federal share of the cost of construction of such project when additional funds are allotted to the State under this title if prior to the construction of the project the Administrator approves plans, specifications, and estimates therefor in the same manner as other treatment works projects. The Administrator may not approve an application under this subsection unless an authorization is in effect for the future fiscal year for which the application requests payment, which authorization will insure such payment without exceeding the State's expected allotment from such authorization.

"(2) In determining the allotment for any fiscal year under this title, any treatment works project constructed in accordance with this section and without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Administrator, or the availability of funds from which this project is eligible for reimbursement has expired, whichever first occurs.

"AUTHORIZATION

"SEC. 207. There is authorized to be appropriated to carry out this title, other than sections 208 and 209, for the fiscal year ending June 30, 1973, not to exceed $5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed $6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed $7,000,000,000.

"AREAWIDE WASTE TREATMENT MANAGEMENT

"SEC. 208. (a) For the purpose of encouraging and facilitating the development and implementation of areawide waste treatment management plans—

Guidelines, publication.

"(1) The Administrator, within ninety days after the date of enactment of this Act and after consultation with appropriate Federal, State, and local authorities, shall by regulation publish guidelines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems.

Boundaries; planning agencies.

"(2) The Governor of each State, within sixty days after publication of the guidelines issued pursuant to paragraph (1) of this subsection, shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. Not later than one hundred and twenty days following such identification and after consultation with appropriate elected and other officials of local

governments having jurisdiction in such areas, the Governor shall designate (A) the boundaries of each such area, and (B) a single representative organization, including elected officials from local governments or their designees, capable of developing effective areawide waste treatment management plans for such area. The Governor may in the same manner at any later time identify any additional area (or modify an existing area) for which he determines areawide waste treatment management to be appropriate, designate the boundaries of such area, and designate an organization capable of developing effective areawide waste treatment management plans for such area.

"(3) With respect to any area which, pursuant to the guidelines published under paragraph (1) of this subsection, is located in two or more States, the Governors of the respective States shall consult and cooperate in carrying out the provisions of paragraph (2), with a view toward designating the boundaries of the interstate area having common water quality control problems and for which areawide waste treatment management plans would be most effective, and toward designating, within one hundred and eighty days after publication of guidelines issued pursuant to paragraph (1) of this subsection, of a single representative organization capable of developing effective areawide waste treatment management plans for such area.

"(4) If a Governor does not act, either by designating or determining not to make a designation under paragraph (2) of this subsection, within the time required by such paragraph, or if, in the case of an interstate area, the Governors of the States involved do not designate a planning organization within the time required by paragraph (3) of this subsection, the chief elected officials of local governments within an area may by agreement designate (A) the boundaries for such an area, and (B) a single representative organization including elected officials from such local governments, or their designees, capable of developing an areawide waste treatment management plan for such area.

"(5) Existing regional agencies may be designated under paragraphs (2), (3), and (4) of this subsection.

"(6) The State shall act as a planning agency for all portions of such State which are not designated under paragraphs (2), (3), or (4) of this subsection.

"(7) Designations under this subsection shall be subject to the approval of the Administrator.

Waste treatment management planning process.

"(b) (1) Not later than one year after the date of designation of any organization under subsection (a) of this section such organization shall have in operation a continuing areawide waste treatment management planning process consistent with section 201 of this Act. Plans prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved. The initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than two years after the planning process is in operation.

"(2) Any plan prepared under such process shall include, but not be limited to—

"(A) the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquisition of land for treatment pur-

poses; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works;

"(B) the establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

"(C) the establishment of a regulatory program to—

"(i) implement the waste treatment management requirements of section 201(c),

"(ii) regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area, and

"(iii) assure that any industrial or commercial wastes discharged into any treatment works in such area meet applicable pretreatment requirements;

"(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

"(E) the identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

"(F) a process to (i) identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(G) a process to (i) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(H) a process to (i) identify construction activity related sources of pollution, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(I) a process to (i) identify, if appropriate, salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and (ii) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan;

"(J) a process to control the disposition of all residual waste generated in such area which could affect water quality; and

"(K) a process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.

Annual certification.

"(3) Areawide waste treatment management plans shall be certified annually by the Governor or his designee (or Governors or their designees, where more than one State is involved) as being consistent with applicable basin plans and such areawide waste treatment management plans shall be submitted to the Administrator for his approval.

"(4) Whenever the Governor of any State determines (and notifies the Administrator) that consistency with a statewide regulatory program under section 303 so requires, the requirements of clauses (F)

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through (K) of paragraph (2) of this subsection shall be developed and submitted by the Governor to the Administrator for application to all regions within such State.

Regional operating agencies, designation.

"(c)(1) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, shall designate one or more waste treatment management agencies (which may be an existing or newly created local, regional, or State agency or political subdivision) for each area designated under subsection (a) of this section and submit such designations to the Administrator.

"(2) The Administrator shall accept any such designation, unless, within 120 days of such designation, he finds that the designated management agency (or agencies) does not have adequate authority—

"(A) to carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of this section;

"(B) to manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b) of this section;

"(C) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b) of this section;

"(D) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

"(E) to raise revenues, including the assessment of waste treatment charges;

"(F) to incur short- and long-term indebtedness;

"(G) to assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

"(H) to refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area; and

"(I) to accept for treatment industrial wastes.

"(d) After a waste treatment management agency having the authority required by subsection (c) has been designated under such subsection for an area and a plan for such area has been approved under subsection (b) of this section, the Administrator shall not make any grant for construction of a publicly owned treatment works under section 201(g)(1) within such area except to such designated agency and for works in conformity with such plan.

"(e) No permit under section 402 of this Act shall be issued for any point source which is in conflict with a plan approved pursuant to subsection (b) of this section.

Grants.

"(f)(1) The Administrator shall make grants to any agency designated under subsection (a) of this section for payment of the reasonable costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) The amount granted to any agency under paragraph (1) of this subsection shall be 100 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section for each of the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975, and shall not exceed 75 per centum of such costs in each succeeding fiscal year.

"(3) Each applicant for a grant under this subsection shall submit to the Administrator for his approval each proposal for which a grant is applied for under this subsection. The Administrator shall act upon such proposal as soon as practicable after it has been submitted, and his approval of that proposal shall be deemed a contractual obligation of the United States for the payment of its contribution to such proposal. There is authorizd to be appropriated to carry out this subsection not to exceed $50,000,000 for the fiscal year ending June 30, 1973, not to exceed $100,000,000 for the fiscal year ending June 30, 1974, and not to exceed $150,000,000 for the fiscal year ending June 30, 1975. Appropriation.

"(g) The Administrator is authorized, upon request of the Governor or the designated planning agency, and without reimbursement, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in the development of areawide waste treatment management plans under subsection (b) of this section. Technical assistance.

"(h)(1) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Administrator is authorized and directed, upon request of the Governor or the designated planning organization, to consult with, and provide technical assistance to, any agency designed under subsection (a) of this section in developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) There is authorized to be appropriated to the Secretary of the Army, to carry out this subsection, not to exceed $50,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974. Appropriation.

"BASIN PLANNING

"SEC. 209 (a) The President, acting through the Water Resources Council, shall, as soon as practicable, prepare a Level B plan under the Water Resources Planning Act for all basins in the United States. All such plans shall be completed not later than January 1, 1980, except that priority in the preparation of such plans shall be given to those basins and portions thereof which are within those areas designated under paragraphs (2), (3), and (4) of subsection (a) of section 208 of this Act. 79 Stat. 244. 42 USC 1962 note.

"(b) The President, acting through the Water Resources Council, shall report annually to Congress on progress being made in carrying out this section. The first such report shall be submitted not later than January 31, 1973. Annual report to Congress.

"(c) There is authorized to be appropriated to carry out this section not to exceed $200,000,000. Appropriation.

"ANNUAL SURVEY

"SEC. 210. The Administrator shall annually make a survey to determine the efficiency of the operation and maintenance of treatment works constructed with grants made under this Act, as compared to the efficiency planned at the time the grant was made. The results of such annual survey shall be included in the report required under section 516(a) of this Act.

"SEWAGE COLLECTION SYSTEMS

"SEC. 211. No grant shall be made for a sewage collection system under this title unless such grant (1) is for replacement or major rehabilitation of an existing collection system and is necessary to the total integrity and performance of the waste treatment works servicing such

ommunity, or (2) is for a new collection system in an existing community with sufficient existing or planned capacity adequately to treat such collected sewage and is consistent with section 201 of this Act.

"DEFINITIONS

"SEC. 212. As used in this title—

"(1) The term 'construction' means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

"(2) (A) The term 'treatment works' means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

"(B) In addition to the definition contained in subparagraph (A) of this paragraph, 'treatment works' means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with sections 301 or 302 of this Act, or the requirements of section 201 of this Act.

Methods evaluation guidelines, publication.

"(C) For the purposes of subparagraph (B) of this paragraph, the Administrator shall, within one hundred and eighty days after the date of enactment of this title, publish and thereafter revise no less often than annually, guidelines for the evaluation of methods, including cost-effective analysis, described in subparagraph (B) of this paragraph.

"(3) The term 'replacement' as used in this title means those expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

"TITLE III—STANDARDS AND ENFORCEMENT

"EFFLUENT LIMITATIONS

"SEC. 301. (a) Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.

"(b) In order to carry out the objective of this Act there shall be achieved—

"(1)(A) not later than July 1, 1977, effluent limitations for point sources, other than publicly owned treatment works, (i) which shall require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of this Act, or (ii) in the case of a discharge into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, which shall require compliance with any applicable pretreatment requirements and any requirements under section 307 of this Act; and

"(B) for publicly owned treatment works in existence on July 1, 1977, or approved pursuant to section 203 of this Act prior to June 30, 1974 (for which construction must be completed within four years of approval), effluent limitations based upon secondary treatment as defined by the Administrator pursuant to section 304(d)(1) of this Act; or,

"(C) not later than July 1, 1977, any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, established pursuant to any State law or regulations (under authority preserved by section 510) or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to this Act.

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"(2)(A) not later than July 1, 1983, effluent limitations for categories and classes of point sources, other than publicly owned treatment works, which (i) shall require application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of this Act, which such effluent limitations shall require the elimination of discharges of all pollutants if the Administrator finds, on the basis of information available to him (including information developed pursuant to section 315), that such elimination is technologically and economically achievable for a category or class of point sources as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of this Act, or (ii) in the case of the introduction of a pollutant into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, shall require compliance with any applicable pretreatment requirements and any other requirement under section 307 of this Act; and

"(B) not later than July 1, 1983, compliance by all publicly owned treatment works with the requirements set forth in section 201(g)(2)(A) of this Act.

"(c) The Administrator may modify the requirements of subsection (b)(2)(A) of this section with respect to any point source for which a permit application is filed after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants.

"(d) Any effluent limitation required by paragraph (2) of subsection (b) of this section shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under such paragraph.

"(e) Effluent limitations established pursuant to this section or section 302 of this Act shall be applied to all point sources of discharge of pollutants in accordance with the provisions of this Act.

"(f) Notwithstanding any other provisions of this Act it shall be unlawful to discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the navigable waters.

"WATER QUALITY RELATED EFFLUENT LIMITATIONS

"SEC. 302. (a) Whenever, in the judgment of the Administrator, discharges of pollutants from a point source or group of point sources, with the application of effluent limitations required under section 301 (b) (2) of this Act, would interfere with the attainment or maintenance of that water quality in a specific portion of the navigable waters which shall assure protection of public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water, effluent limitations (including alternative effluent control strategies) for such point source or sources shall be established which can reasonably be expected to contribute to the attainment or maintenance of such water quality.

Public hearing.

"(b) (1) Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the Administrator shall issue notice of intent to establish such limitation and within ninety days of such notice hold a public hearing to determine the relationship of the economic and social costs of achieving any such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the social and economic benefits to be obtained (including the attainment of the objective of this Act) and to determine whether or not such effluent limitations can be implemented with available technology or other alternative control strategies.

"(2) If a person affected by such limitation demonstrates at such hearing that (whether or not such technology or other alternative control strategies are available) there is no reasonable relationship between the economic and social costs and the benefits to be obtained (including attainment of the objective of this Act), such limitation shall not become effective and the Administrator shall adjust such limitation as it applies to such person.

"(c) The establishment of effluent limitations under this section shall not operate to delay the application of any effluent limitation established under section 301 of this Act.

"WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

"SEC. 303. (a) (1) In order to carry out the purpose of this Act, any water quality standard applicable to interstate waters which was adopted by any State and submitted to, and approved by, or is awaiting approval by, the Administrator pursuant to this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, shall remain in effect unless the Administrator determined that such standard is not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall, within three months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after the date of such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section.

Ante, p. 816.

"(2) Any State which, before the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, has adopted, pursuant to its own law, water quality standards applicable to intrastate waters shall submit such standards to the Administrator within thirty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Each such standard shall remain in effect, in the same manner and to the same extent as any other water quality standard established under this Act unless the Administrator determines that such standard is inconsistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall not later than the one hundred and twentieth day after the date of submission of such standards, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section. *Ante*, p. 816.

"(3)(A) Any State which prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 has not adopted pursuant to its own laws water quality standards applicable to intrastate waters shall, not later than one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, adopt and submit such standards to the Administrator.

"(B) If the Administrator determines that any such standards are consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall approve such standards.

"(C) If the Administrator determines that any such standards are not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall, not later than the ninetieth day after the date of submission of such standards, notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standards pursuant to subsection (b) of this section.

Proposed regulations, publication.

"(b)(1) The Administrator shall promptly prepare and publish proposed regulations setting forth water quality standards for a State in accordance with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if—

"(A) the State fails to submit water quality standards within the times prescribed in subsection (a) of this section,

"(B) a water quality standard submitted by such State under subsection (a) of this section is determined by the Administrator not to be consistent with the applicable requirements of subsection (a) of this section.

"(2) The Administrator shall promulgate any water quality standard published in a proposed regulation not later than one hundred and ninety days after the date he publishes any such proposed standard, unless prior to such promulgation, such State has adopted a water quality standard which the Administrator determines to be in accordance with subsection (a) of this section.

Review.

"(c)(1) The Governor of a State or the State water pollution control agency of such State shall from time to time (but at least once each three year period beginning with the date of enactment of the

Ante, p. 816.

Federal Water Pollution Control Act Amendments of 1972) hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Results of such review shall be made available to the Administrator.

Revised standards.

"(2) Whenever the State revises or adopts a new standard, such revised or new standard shall be submitted to the Administrator. Such revised or new water quality standard shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses. Such standards shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. Such standards shall be established taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation.

"(3) If the Administrator, within sixty days after the date of submission of the revised or new standard, determines that such standard meets the requirements of this Act, such standard shall thereafter be the water quality standard for the applicable waters of that State. If the Administrator determines that any such revised or new standard is not consistent with the applicable requirements of this Act, he shall not later than the ninetieth day after the date of submission of such standard notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standard pursuant to paragraph (4) of this subsection.

Publication.

"(4) The Administrator shall promptly prepare and publish proposed regulations setting forth a revised or new water quality standard for the navigable waters involved—

"(A) if a revised or new water quality standard submitted by such State under paragraph (3) of this subsection for such waters is determined by the Administrator not to be consistent with the applicable requirements of this Act, or

"(B) in any case where the Administrator determines that a revised or new standard is necessary to meet the requirements of this Act.

The Administrator shall promulgate any revised or new standard under this paragraph not later than ninety days after he publishes such proposed standards, unless prior to such promulgation, such State has adopted a revised or new water quality standard which the Administrator determines to be in accordance with this Act.

Insufficient controls, area identification.

"(d)(1)(A) Each State shall identify those waters within its boundaries for which the effluent limitations required by section 301(b)(1)(A) and section 301(b)(1)(B) are not stringent enough to implement any water quality standard applicable to such waters. The State shall establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters.

"(B) Each State shall identify those waters or parts thereof within its boundaries for which controls on thermal discharges under section 301 are not stringent enough to assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife.

Maximum daily load.

"(C) Each State shall establish for the waters identified in paragraph (1)(A) of this subsection, and in accordance with the priority ranking, the total maximum daily load, for those pollutants which the Administrator identifies under section 304(a)(2) as suitable for such calculation. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of

knowledge concerning the relationship between effluent limitations and water quality.

Maximum daily thermal load.

"(D) Each State shall estimate for the waters identified in paragraph (1)(B) of this subsection the total maximum daily thermal load required to assure protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife. Such estimates shall take into account the normal water temperatures, flow rates, seasonal variations, existing sources of heat input, and the dissipative capacity of the identified waters or parts thereof. Such estimates shall include a calculation of the maximum heat input that can be made into each such part and shall include a margin of safety which takes into account any lack of knowledge concerning the development of thermal water quality criteria for such protection and propagation in the identified waters or parts thereof.

"(2) Each State shall submit to the Administrator from time to time, with the first such submission not later than one hundred and eighty days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), for his approval the waters identified and the loads established under paragraphs (1)(A), (1)(B), (1)(C), and (1)(D) of this subsection. The Administrator shall either approve or disapprove such identification and load not later than thirty days after the date of submission. If the Administrator approves such identification and load, such State shall incorporate them into its current plan under subsection (e) of this section. If the Administrator disapproves such identification and load, he shall not later than thirty days after the date of such disapproval identify such waters in such State and establish such loads for such waters as he determines necessary to implement the water quality standards applicable to such waters and upon such identification and establishment the State shall incorporate them into its current plan under subsection (e) of this section.

"(3) For the specific purpose of developing information, each State shall identify all waters within its boundaries which it has not identified under paragraph (1)(A) and (1)(B) of this subsection and estimate for such waters the total maximum daily load with seasonal variations and margins of safety, for those pollutants which the Administrator identifies under section 304(a)(2) as suitable for such calculation and for thermal discharges, at a level that would assure protection and propagation of a balanced indigenous population of fish, shellfish and wildlife.

Continuing planning process.

"(e)(1) Each State shall have a continuing planning process approved under paragraph (2) of this subsection which is consistent with this Act.

"(2) Each State shall submit not later than 120 days after the date of the enactment of the Water Pollution Control Amendments of 1972 to the Administrator for his approval a proposed continuing planning process which is consistent with this Act. Not later than thirty days after the date of submission of such a process the Administrator shall either approve or disapprove such process. The Administrator shall from time to time review each State's approved planning process for the purpose of insuring that such planning process is at all times consistent with this Act. The Administrator shall not approve any State permit program under title IV of this Act for any State which does not have an approved continuing planning process under this section.

Ante, p. 816.

Review.

"(3) The Administrator shall approve any continuing planning process submitted to him under this section which will result in plans for all navigable waters within such State, which include, but are not limited to, the following:

"(A) effluent limitations and schedules of compliance at least as stringent as those required by section 301(b)(1), section 301(b)(2), section 306, and section 307, and at least as stringent as any requirements contained in any applicable water quality standard in effect under authority of this section;

"(B) the incorporation of all elements of any applicable area-wide waste management plans under section 208, and applicable basin plans under section 209 of this Act;

"(C) total maximum daily load for pollutants in accordance with subsection (d) of this section;

"(D) procedures for revision;

"(E) adequate authority for intergovernmental cooperation;

"(F) adequate implementation, including schedules of compliance, for revised or new water quality standards, under subsection (c) of this section;

"(G) controls over the disposition of all residual waste from any water treatment processing;

"(H) an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet the applicable requirements of sections 301 and 302.

"(f) Nothing in this section shall be construed to affect any effluent limitation, or schedule of compliance required by any State to be implemented prior to the dates set forth in sections 301(b)(1) and 301(b)(2) nor to preclude any State from requiring compliance with any effluent limitation or schedule of compliance at dates earlier than such dates.

Heat standards.

"(g) Water quality standards relating to heat shall be consistent with the requirements of section 316 of this Act.

"Water quality standards."

"(h) For the purposes of this Act the term 'water quality standards' includes thermal water quality standards.

"INFORMATION AND GUIDELINES

Water quality criteria publication.

"SEC. 304. (a)(1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) criteria for water quality accurately reflecting the latest scientific knowledge (A) on the kind and extent of all identifiable effects on health and welfare including, but not limited to, plankton, fish, shellfish, wildlife, plant life, shorelines, beaches, esthetics, and recreation which may be expected from the presence of pollutants in any body of water, including ground water; (B) on the concentration and dispersal of pollutants, or their byproducts, through biological, physical, and chemical processes; and (C) on the effects of pollutants on biological community diversity, productivity, and stability, including information on the factors affecting rates of eutrophication and rates of organic and inorganic sedimentation for varying types of receiving waters.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) information (A) on the factors necessary to restore and maintain the chemical, physical, and biological integrity of all navigable waters, ground waters, waters of the contiguous zone, and the oceans; (B) on the factors necessary for the protection and propagation of shellfish, fish, and wildlife for classes and categories of receiving waters and to allow recreational activities in and on the water; and (C) on the measurement and classification of water quality; and (D) for the purpose of section 303, on and the

identification of pollutants suitable for maximum daily load measurement correlated with the achievement of water quality objectives.

"(3) Such criteria and information and revisions thereof shall be issued to the States and shall be published in the Federal Register and otherwise made available to the public. Publication in Federal Register.

"(b) For the purpose of adopting or revising effluent limitations under this Act the Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, publish within one year of enactment of this title, regulations, providing guidelines for effluent limitations, and, at least annually thereafter, revise, if appropriate, such regulations. Such regulations shall— Effluent limitation guidelines, publication.

"(1)(A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best practicable control technology currently available for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the control measures and practices to be applicable to point sources (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with subsection (b)(1) of section 301 of this Act shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate;

"(2)(A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b)(2) of section 301 of this Act to be applicable to any point source (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate; and

"(3) identify control measures and practices available to eliminate the discharge of pollutants from categories and classes of point sources, taking into account the cost of achieving such elimination of the discharge of pollutants.

"(c) The Administrator, after consultation, with appropriate Federal and State agencies and other interested persons, shall issue to the States and appropriate water pollution control agencies within 270 days after enactment of this title (and from time to time thereafter) information on the processes, procedures, or operating methods which Pollution discharges, elimination procedures information.

result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of this Act. Such information shall include technical and other data, including costs, as are available on alternative methods of elimination or reduction of the discharge of pollutants. Such information, and revisions thereof, shall be published in the Federal Register and otherwise shall be made available to the public.

Alternative waste treatment methods.
Publication in Federal Register.

"(d)(1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within sixty days after enactment of this title (and from time to time thereafter) information, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, on the degree of effluent reduction attainable through the application of secondary treatment.

Secondary treatment information.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within nine months after the date of enactment of this title (and from time to time thereafter) information on alternative waste treatment management techniques and systems available to implement section 201 of this Act.

"(e) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue to appropriate Federal agencies, the States, water pollution control agencies, and agencies designated under section 208 of this Act, within one year after the effective date of this subsection (and from time to time thereafter) information including (1) guidelines for identifying and evaluating the nature and extent of nonpoint sources of pollutants, and (2) processes, procedures, and methods to control pollution resulting from—

"(A) agricultural and silvicultural activities, including runoff from fields and crop and forest lands;

"(B) mining activities, including runoff and siltation from new, currently operating, and abandoned surface and underground mines;

"(C) all construction activity, including runoff from the facilities resulting from such construction;

"(D) the disposal of pollutants in wells or in subsurface excavations;

"(E) salt water intrusion resulting from reductions of fresh water flow from any cause, including extraction of ground water, irrigation, obstruction, and diversion; and

"(F) changes in the movement, flow, or circulation of any navigable waters or ground waters, including changes caused by the construction of dams, levees, channels, causeways, or flow diversion facilities.

Publication in Federal Register.

Such information and revisions thereof shall be published in the Federal Register and otherwise made available to the public.

Pretreatment standards guidelines, publication.

"(f)(1) For the purpose of assisting States in carrying out programs under section 402 of this Act, the Administrator shall publish, within one hundred and twenty days after the date of enactment of this title, and review at leas t annually thereafter and, if appropriate, revise guidelines for pretreatment of pollutants which he determines are not susceptible to treatment by publicly owned treatment works. Guidelines under this subsection shall be established to control and prevent the discharge into the navigable waters, the contiguous zone, or the ocean (either directly or through publicly owned treatment works) of any pollutant which interferes with, passes through, or otherwise is incompatible with such works.

"(2) When publishing guidelines under this subsection, the Administrator shall designate the category or categories of treatment works to which the guidelines shall apply.

Test procedures, guidelines.

"(g) The Administrator shall, within one hundred and eighty days from the date of enactment of this title, promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to section 401 of this Act or permit application pursuant to section 402 of this Act.

Monitoring, reporting, etc., guidelines.

"(h) The Administrator shall (1) within sixty days after the enactment of this title promulgate guidelines for the purpose of establishing uniform application forms and other minimum requirements for the acquisition of information from owners and operators of point-sources of discharge subject to any State program under section 402 of this Act, and (2) within sixty days from the date of enactment of this title promulgate guidelines establishing the minimum procedural and other elements of any State program under section 402 of this Act which shall include:

"(A) monitoring requirements;

"(B) reporting requirements (including procedures to make information available to the public);

"(C) enforcement provisions; and

"(D) funding, personnel qualifications, and manpower requirements (including a requirement that no board or body which approves permit applications or portions thereof shall include, as a member, any person who receives, or has during the previous two years received, a significant portion of his income directly or indirectly from permit holders or applicants for a permit).

"(i) The Administrator shall, within 270 days after the effective date of this subsection (and from time to time thereafter), issue such information on methods, procedures, and processes as may be appropriate to restore and enhance the quality of the Nation's publicly owned fresh water lakes.

"(j)(1) The Administrator shall, within six months from the date of enactment of this title, enter into agreements with the Secretary of Agriculture, the Secretary of the Army, and the Secretary of the Interior to provide for the maximum utilization of the appropriate programs authorized under other Federal law to be carried out by such Secretaries for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under section 208 of this Act.

Transfer of funds.

"(2) The Administrator, pursuant to any agreement under paragraph (1) of this subsection is authorized to transfer to the Secretary of Agriculture, the Secretary of the Army, or the Secretary of the Interior any funds appropriated under paragraph (3) of this subsection to supplement any funds otherwise appropriated to carry out appropriate programs authorized to be carried out by such Secretaries.

Appropriation.

"(3) There is authorized to be appropriated to carry out the provisions of this subsection, $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974.

"WATER QUALITY INVENTORY

Report to Congress.

"SEC. 305. (a) The Administrator, in cooperation with the States and with the assistance of appropriate Federal agencies, shall prepare a report to be submitted to the Congress on or before January 1, 1974, which shall—

"(1) describe the specific quality, during 1973, with appropriate supplemental descriptions as shall be required to take into

account seasonal, tidal, and other variations, of all navigable waters and the waters of the contiguous zone;

"(2) include an inventory of all point sources of discharge (based on a qualitative and quantitative analysis of discharges) of pollutants, into all navigable waters and the waters of the contiguous zone; and

"(3) identify specifically those navigable waters, the quality of which—

"(A) is adequate to provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allow recreational activities in and on the water;

"(B) can reasonably be expected to attain such level by 1977 or 1983; and

"(C) can reasonably be expected to attain such level by any later date.

State reports.

"(b)(1) Each State shall prepare and submit to the Administrator by January 1, 1975, and shall bring up to date each year thereafter, a report which shall include—

"(A) a description of the water quality of all navigable waters in such State during the preceding year, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, correlated with the quality of water required by the objective of this Act (as identified by the Administrator pursuant to criteria published under section 304(a) of this Act) and the water quality described in subparagraph (B) of this paragraph;

"(B) an analysis of the extent to which all navigable waters of such State provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;

"(C) an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality which provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water, have been or will be achieved by the requirements of this Act, together with recommendations as to additional action necessary to achieve such objectives and for what waters such additional action is necessary;

"(D) an estimate of (i) the environmental impact, (ii) the economic and social costs necessary to achieve the objective of this Act in such State, (iii) the economic and social benefits of such achievement, and (iv) an estimate of the date of such achievement; and

"(E) a description of the nature and extent of nonpoint sources of pollutants, and recommendations as to the programs which must be undertaken to control each category of such sources, including an estimate of the costs of implementing such programs.

Transmittal to Congress.

"(2) The Administrator shall transmit such State reports, together with an analysis thereof, to Congress on or before October 1, 1975, and annually thereafter.

"NATIONAL STANDARDS OF PERFORMANCE

Definitions.

"SEC. 306. (a) For purposes of this section:

"(1) The term 'standard of performance' means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alterna-

tives, including, where practicable, a standard permitting no discharge of pollutants.

"(2) The term 'new source' means any source, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such source, if such standard is thereafter promulgated in accordance with this section.

"(3) The term 'source' means any building, structure, facility, or installation from which there is or may be the discharge of pollutants.

"(4) The term 'owner or operator' means any person who owns, leases, operates, controls, or supervises a source.

"(5) The term 'construction' means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

Sources, category list, publication.

"(b)(1)(A) The Administrator shall, within ninety days after the date of enactment of this title publish (and from time to time thereafter shall revise) a list of categories of sources, which shall, at the minimum, include:

"pulp and paper mills;
"paperboard, builders paper and board mills;
"meat product and rendering processing;
"dairy product processing;
"grain mills;
"canned and preserved fruits and vegetables processing;
"canned and preserved seafood processing;
"sugar processing;
"textile mills;
"cement manufacturing;
"feedlots;
"electroplating;
"organic chemicals manufacturing;
"inorganic chemicals manufacturing;
"plastic and synthetic materials manufacturing;
"soap and detergent manufacturing;
"fertilizer manufacturing;
"petroleum refining;
"iron and steel manufacturing;
"nonferrous metals manufacturing;
"phosphate manufacturing;
"steam electric powerplants;
"ferroalloy manufacturing;
"leather tanning and finishing;
"glass and asbestos manufacturing;
"rubber processing; and
"timber products processing.

Federal standards of performance, publication of regulations.

"(B) As soon as practicable, but in no case more than one year, after a category of sources is included in a list under subparagraph (A) of this paragraph, the Administrator shall propose and publish regulations establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one hundred and twenty days after publication of such proposed regulations, such standards with such adjustments as he deems appropriate. The Administrator shall, from time to time, as technol-

ogy and alternatives change, revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance, or revisions thereof, shall become effective upon promulgation. In establishing or revising Federal standards of performance for new sources under this section, the Administrator shall take into consideration the cost of achieving such effluent reduction, and any non-water quality environmental impact and energy requirements.

"(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards and shall consider the type of process employed (including whether batch or continuous).

"(3) The provisions of this section shall apply to any new source owned or operated by the United States.

Standards of performance, State enforcement procedure.

"(c) Each State may develop and submit to the Administrator a procedure under State law for applying and enforcing standards of performance for new sources located in such State. If the Administrator finds that the procedure and the law of any State require the application and enforcement of standards of performance to at least the same extent as required by this section, such State is authorized to apply and enforce such standards of performance (except with respect to new sources owned or operated by the United States).

"(d) Notwithstanding any other provision of this Act, any point source the construction of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which is so constructed as to meet all applicable standards of performance shall not be subject to any more stringent standard of performance during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first.

68A Stat. 51; 85 Stat. 508. 83 Stat. 667. 26 USC 167, 169.

"(e) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

"TOXIC AND PRETREATMENT EFFLUENT STANDARDS

"SEC. 307. (a) (1) The Administrator shall, within ninety days after the date of enactment of this title, publish (and from time to time thereafter revise) a list which includes any toxic pollutant or combination of such pollutants for which an effluent standard (which may include a prohibition of the discharge of such pollutants or combination of such pollutants) will be established under this section. The Administrator in publishing such list shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms.

Proposed effluent standard, publication.

"(2) Within one hundred and eighty days after the date of publication of any list, or revision thereof, containing toxic pollutants or combination of pollutants under paragraph (1) of this subsection, the Administrator, in accordance with section 553 of title 5 of the United States Code, shall publish a proposed effluent standard (or a prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistence, degradability,

80 Stat. 383.

the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.

Hearing.

"(3) If after a public hearing the Administrator finds that a modification of such proposed standard (or prohibition) is justified, a revised effluent standard (or prohibition) for such pollutant or combination of pollutants shall be promulgated immediately. Such standard (or prohibition) shall be reviewed and, if appropriate, revised at least every three years.

Revised effluent standard.

"(4) Any effluent standard promulgated under this section shall be at that level which the Administrator determines provides an ample margin of safety.

"(5) When proposing or promulgating any effluent standard (or prohibition) under this section, the Administrator shall designate the category or categories of sources to which the effluent standard (or prohibition) shall apply. Any disposal of dredged material may be included in such a category of sources after consultation with the Secretary of the Army.

"(6) Any effluent standard (or prohibition) established pursuant to this section shall take effect on such date or dates as specified in the order promulgating such standard, but in no case more than one year from the date of such promulgation.

Effective date.

"(7) Prior to publishing any regulations pursuant to this section the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, States, independent experts, and Federal departments and agencies.

"(b)(1) The Administrator shall, within one hundred and eighty days after the date of enactment of this title and from time to time thereafter, publish proposed regulations establishing pretreatment standards for introduction of pollutants into treatment works (as defined in section 212 of this Act) which are publicly owned for those pollutants which are determined not to be susceptible to treatment by such treatment works or which would interfere with the operation of such treatment works. Not later than ninety days after such publication, and after opportunity for public hearing, the Administrator shall promulgate such pretreatment standards. Pretreatment standards under this subsection shall specify a time for compliance not to exceed three years from the date of promulgation and shall be established to prevent the discharge of any pollutant through treatment works (as defined in section 212 of this Act) which are publicly owned, which pollutant interferes with, passes through, or otherwise is incompatible with such works.

Pretreatment standards, proposed regulations, publication.

"(2) The Administrator shall, from time to time, as control technology, processes, operating methods, or other alternatives change, revise such standards following the procedure established by this subsection for promulgation of such standards.

"(3) When proposing or promulgating any pretreatment standard under this section, the Administrator shall designate the category or categories of sources to which such standard shall apply.

"(4) Nothing in this subsection shall affect any pretreatment requirement established by any State or local law not in conflict with any pretreatment standard established under this subsection.

"(c) In order to insure that any source introducing pollutants into a publicly owned treatment works, which source would be a new source subject to section 306 if it were to discharge pollutants, will not cause a violation of the effluent limitations established for any such treatment works, the Administrator shall promulgate pretreatment standards for the category of such sources simultaneously with the promulgation of standards of performance under section 306 for the equivalent category of new sources. Such pretreatment standards shall prevent the discharge of any pollutant into such treatment works, which pollutant may interfere with, pass through, or otherwise be incompatible with such works.

"(d) After the effective date of any effluent standard or prohibition or pretreatment standard promulgated under this section, it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition or pretreatment standard.

"INSPECTIONS, MONITORING AND ENTRY

"SEC. 308. (a) Whenever required to carry out the objective of this Act, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this Act; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; (3) any requirement established under this section; or (4) carrying out sections 305, 311, 402, and 504 of this Act—

Recordkeeping; reports.

"(A) the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as he may reasonably require; and

"(B) the Administrator or his authorized representative, upon presentation of his credentials—

"(i) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under clause (A) of this subsection are located, and

"(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under clause (A), and sample any effluents which the owner or operator of such source is required to sample under such clause.

"(b) Any records, reports, or information obtained under this section (1) shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or new source performance standards, and (2) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of section 1905

of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act. 62 Stat. 791.

"(c) Each State may develop and submit to the Administrator procedures under State law for inspection, monitoring, and entry with respect to point sources located in such State. If the Administrator finds that the procedures and the law of any State relating to inspection, monitoring, and entry are applicable to at least the same extent as those required by this section, such State is authorized to apply and enforce its procedures for inspection, monitoring, and entry with respect to point sources located in such State (except with respect to point sources owned or operated by the United States).

"FEDERAL ENFORCEMENT

"SEC. 309. (a)(1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any condition or limitation which implements section 301, 302, 306, 307, or 308 of this Act in a permit issued by a State under an approved permit program under section 402 of this Act, he shall proceed under his authority in paragraph (3) of this subsection or he shall notify the person in alleged violation and such State of such finding. If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order requiring such person to comply with such condition or limitation or shall bring a civil action in accordance with subsection (b) of this section.

"(2) Whenever, on the basis of information available to him, the Administrator finds that violations of permit conditions or limitations as set forth in paragraph (1) of this subsection are so widespread that such violations appear to result from a failure of the State to enforce such permit conditions or limitations effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such conditions and limitations (hereafter referred to in this section as the period of 'federally assumed enforcement'), the Administrator shall enforce any permit condition or limitation with respect to any person—

"(A) by issuing an order to comply with such condition or limitation, or

"(B) by bringing a civil action under subsection (b) of this section.

"(3) Whenever on the basis of any information available to him the Administrator finds that any person is in violation of section 301, 302, 306, 307, or 308 of this Act, or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by him or by a State, he shall issue an order requiring such person to comply with such section or requirement, or he shall bring a civil action in accordance with subsection (b) of this section.

"(4) A copy of any order issued under this subsection shall be sent immediately by the Administrator to the State in which the violation occurs and other affected States. Any order issued under this subsection shall be by personal service and shall state with reasonable specificity the nature of the violation, specify a time for compliance, not to exceed thirty days, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts

to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1) of this subsection) is issued to a corporation, a copy of such order (or notice) shall be served on any appropriate corporate officers. An order issued under this subsection relating to a violation of section 308 of this Act shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator concerning the alleged violation.

"(b) The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under subsection (a) of this section. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State.

Penalties.

"(c)(1) Any person who willfully or negligently violates section 301, 302, 306, 307, or 308 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

"(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"Person."

"(3) For the purposes of this subsection, the term 'person' shall mean, in addition to the definition contained in section 502(5) of this Act, any responsible corporate officer.

"(d) Any person who violates section 301, 302, 306, 307, or 308 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator, or by a State, and any person who violates any order issued by the Administrator under subsection (a) of this section, shall be subject to a civil penalty not to exceed $10,000 per day of such violation.

"(e) Whenever a municipality is a party to a civil action brought by the United States under this section, the State in which such municipality is located shall be joined as a party. Such State shall be liable for payment of any judgment, or any expenses incurred as a result of complying with any judgment, entered against the municipality in such action to the extent that the laws of that State prevent the municipality from raising revenues needed to comply with such judgment.

"INTERNATIONAL POLLUTION ABATEMENT

"SEC. 310. (a) Whenever the Administrator, upon receipts of reports, surveys, or studies from any duly constituted international agency, has reason to believe that pollution is occurring which endangers the health or welfare of persons in a foreign country, and the Secretary of State requests him to abate such pollution, he shall give

formal notification thereof to the State water pollution control agency of the State or States in which such discharge or discharges originate and to the appropriate interstate agency, if any. He shall also promptly call such a hearing, if he believes that such pollution is occurring in sufficient quantity to warrant such action, and if such foreign country has given the United States essentially the same rights with respect to the prevention and control of pollution occurring in that country as is given that country by this subsection. The Administrator, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the hearing, and the representative of such country shall, for the purpose of the hearing and any further proceeding resulting from such hearing, have all the rights of a State water pollution control agency. Nothing in this subsection shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of pollution in waters covered by those treaties.

Hearing.

36 Stat. 2448.

"(b) The calling of a hearing under this section shall not be construed by the courts, the Administrator, or any person as limiting, modifying, or otherwise affecting the functions and responsibilities of the Administrator under this section to establish and enforce water quality requirements under this Act.

"(c) The Administrator shall publish in the Federal Register a notice of a public hearing before a hearing board of five or more persons appointed by the Administrator. A majority of the members of the board and the chairman who shall be designated by the Administrator shall not be officers or employees of Federal, State, or local governments. On the basis of the evidence presented at such hearing, the board shall within sixty days after completion of the hearing make findings of fact as to whether or not such pollution is occurring and shall thereupon by decision, incorporating its findings therein, make such recommendations to abate the pollution as may be appropriate and shall transmit such decision and the record of the hearings to the Administrator. All such decisions shall be public. Upon receipt of such decision, the Administrator shall promptly implement the board's decision in accordance with the provisions of this Act.

Notice, publication in Federal Register.

"(d) In connection with any hearing called under this subsection, the board is authorized to require any person whose alleged activities result in discharges causing or contributing to pollution to file with it in such forms as it may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the board may prescribe, and shall be filed with the board within such reasonable period as it may prescribe, unless additional time is granted by it. Upon a showing satisfactory to the board by the person filing such report that such report or portion thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge trade secrets or secret processes of such person, the board shall consider such report or portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code. If any person required to file any report under this paragraph shall fail to do so within the time fixed by the board for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum

Report.

62 Stat. 791.

Penalty.

of $1,000 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States in the district court of the United States where such person has his principal office or in any district in which he does business. The Administrator may upon application therefor remit or mitigate any forfeiture provided for under this subsection.

"(e) Board members, other than officers or employees of Federal, State, or local governments, shall be for each day (including travel-time) during which they are performing board business, entitled to receive compensation at a rate fixed by the Administrator but not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

5 USC 5332 note.
80 Stat. 499; 83 Stat. 190.

"(f) When any such recommendation adopted by the Administrator involves the institution of enforcement proceedings against any person to obtain the abatement of pollution subject to such recommendation, the Administrator shall institute such proceedings if he believes that the evidence warrants such proceedings. The district court of the United States shall consider and determine de novo all relevant issues, but shall receive in evidence the record of the proceedings before the conference or hearing board. The court shall have jurisdiction to enter such judgment and orders enforcing such judgment as it deems appropriate or to remand such proceedings to the Administrator for such further action as it may direct.

"OIL AND HAZARDOUS SUBSTANCE LIABILITY

Definitions.

"SEC. 311. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bareboat-chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil or hazardous substances from the water and shorelines or the taking of

such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone; 15 UST 1606.

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit;

"(14) 'hazardous substance' means any substance designated pursuant to subsection (b)(2) of this section.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone. Prohibition.

"(2)(A) The Administrator shall develop, promulgate, and revise as may be appropriate, regulations designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches. Regulations.

"(B)(i) The Administrator shall include in any designation under subparagraph (A) of this subsection a determination whether any such designated hazardous substance can actually be removed. Hazardous substances, removability determination.

"(ii) The owner or operator of any vessel, onshore facility, or offshore facility from which there is discharged during the two-year period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, any hazardous substance determined not removable under clause (i) of this subparagraph shall be liable, subject to the defenses to liability provided under subsection (f) of this section, as appropriate, to the United States for a civil penalty per discharge established by the Administrator based on toxicity, degradability, and dispersal characteristics of such substance, in an amount not to exceed $50,000, except that where the United States can show that such discharge was a result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States for a civil penalty in such amount as the Administrator shall establish, based upon the toxicity, degradability, and dispersal characteristics of such substance.

"(iii) After the expiration of the two-year period referred to in clause (ii) of this subparagraph, the owner or operator of any vessel, onshore facility, or offshore facility, from which there is discharged any hazardous substance determined not removable under clause (i) of this subparagraph shall be liable, subject to the defenses to liability provided in subsection (f) of this section, to the United States for either one or the other of the following penalties, the determination of which shall be in the discretion of the Administrator:

"(aa) a penalty in such amount as the Administrator shall establish, based on the toxicity, degradability, and dispersal characteristics of the substance, but not less than $500 nor more than $5,000; or

"(bb) a penalty determined by the number of units discharged multiplied by the amount established for such unit under clause (iv) of this subparagraph, but such penalty shall not be more than $5,000,000 in the case of a discharge from a vessel and $500,000 in the case of a discharge from an onshore or offshore facility.

"(iv) The Administrator shall establish by regulation, for each hazardous substance designated under subparagraph (A) of this paragraph, and within 180 days of the date of such designation, a unit of measurement based upon the usual trade practice and, for the purpose of determining the penalty under clause (iii) (bb) of this subparagraph, shall establish for each such unit a fixed monetary amount which shall be not less than $100 nor more than $1,000 per unit. He shall establish such fixed amount based on the toxicity, degradability, and dispersal characteristics of the substance.

"(3) The discharge of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (4) of this subsection, is prohibited, except (A) in the case of such discharges of oil into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

12 UST 2989.

Discharges, harmful quantities, determination.

"(4) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil and any hazardous substance the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

Violation notification.

"(5) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of paragraph (3) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge.

Penalty.

Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(6) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance is discharged in violation of paragraph (3) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard

is operating of not more than $5,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

Discharge into U.S. navigable waters, removal.

"(c)(1) Whenever any oil or a hazardous substance is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil or substance at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

National Contingency Plan.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil and hazardous substances, pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal, and removal of oil and hazardous substances, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil and hazardous substance pollution control equipment and material, and a detailed oil and hazardous substance pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil and hazardous substances to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances;

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, iden-

tify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters; and

"(H) a system whereby the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and such State or States may be reimbursed from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal.

The President may, from time to time, as he deems advisable revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and hazardous substances and actions to minimize damage from oil and hazardous substance discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

Maritime disaster discharge.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil or hazardous substance.

Relief.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

Jurisdiction.

Liability.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall, not withstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United

States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section, proves that such discharge of oil or hazardous substance was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil or substance by the United States Government, except where such third party can

prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred if such owner or operator were liable. If the United States can show that the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) The United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil or hazardous substance.

Removal costs, recovery.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section acts to remove such oil or substance in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

67 Stat. 462. 43 USC 1331 note.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the funds established pursuant to subsection (k).

Regulations.

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil and hazardous substances, (B) establishing criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, (C) establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges, and (D) governing the inspection of vessels carrying cargoes of oil and hazardous substances

and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulations, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attemping to achieve rapid compliance, after notification of a violation, shall be considered by the President. Penalty.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (d), (i), and (l) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended. Appropriation.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities. Administration.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam and the Trust Territory of the Pacific Islands, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone. Jurisdiction.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly owned or privately owned property resulting from a discharge of any oil or hazardous substance or from the removal of any such oil or hazardous substance.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or hazardous substance into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

Certain vessels, financial responsibility.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

Effective date.

"(2) The provisions of paragraph (1) of this subsection shall be effective April 3, 1971, with respect to oil and one year after the date of enactment of this section with respect to hazardous substances. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

Penalty.

"(4) Any owner or operator of a vessel subject to this subsection, who fails to comply with the provisions of this subsection or any regulation issued thereunder, shall be subject to a fine of not more than $10,000.

"(5) The Secretary of the Treasury may refuse the clearance required by section 4197 of the Revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this subsection, which does not have evidence furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

46 USC 91.

"(6) The Secretary of the Department in which the Coast Guard is operated may (A) deny entry to any port or place in the United States or the navigable waters of the United States, to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel sub-

ject to this subsection, which upon request, does not produce evidence furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

"MARINE SANITATION DEVICES

"SEC. 312. (a) For the purpose of this section, the term— Definitions.

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 104(j) of this Act, the Administrator, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations governing the design, construction, installation, and operation of any marine sanitation device on board such vessels. Federal standards of performance, promulgation.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

Initial standards, effective dates.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

Waiver.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Administrator, may distinguish among classes, type, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) of this section and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Administrator and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

80 Stat. 383.

"(f)(1) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section.

"(2) If, after promulgation of the initial standards and regulations and prior to their effective date, a vessel is equipped with a marine sanitation device in compliance with such standards and regulations and the installation and operation of such device is in accordance with such standards and regulations, such standards and regulations shall, for the purposes of paragraph (1) of this subsection, become effective with repect to such vessel on the date of such compliance.

"(3) After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment

of sewage from all vessels are reasonably available for such water to which such prohibition would apply. Upon application of the State, the Administrator shall make such determination within 90 days of the date of such application.

"(4) If the Administrator determines upon application by a State that the protection and enhancement of the quality of specified waters within such State requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters.

Sales regulations.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Administrator as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

Recordkeeping; reports.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Administrator or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Administrator or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by the Administrator or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

62 Stat. 791.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

Jurisdiction.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) of this section and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under 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 United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Penalties.

"(j) Any person who violates subsection (g)(1) of this section or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

Enforcement.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam and the Trust Territory of the Pacific Islands, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"FEDERAL FACILITIES POLLUTION CONTROL

"SEC. 313. Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants shall comply with Federal, State, interstate, and local requirements respecting control and abatement of pollution to the same extent that any person is subject to such requirements, including the payment of reasonable service charges. The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any such a requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act. No such exemptions shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption.

Exemption.

Report to Congress.

"CLEAN LAKES

"SEC. 314. (a) Each State shall prepare or establish, and submit to the Administrator for his approval—

"(1) an identification and classification according to eutrophic condition of all publicly owned fresh water lakes in such State;

"(2) procedures, processes, and methods (including land use requirements), to control sources of pollution of such lakes; and

"(3) methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes.

"(b) The Administrator shall provide financial assistance to States in order to carry out methods and procedures approved by him under this section.

"(c)(1) The amount granted to any State for any fiscal year under this section shall not exceed 70 per centum of the funds expended by such State in such year for carrying out approved methods and procedures under this section.

"(2) There is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year 1974; and $150,000,000 for the fiscal year 1975 for grants to States under this section which such sums shall remain available until expended. The Administrator shall provide for an equitable distribution of such sums to the States with approved methods and procedures under this section.

Appropriations.

"NATIONAL STUDY COMMISSION

"SEC. 315. (a) There is established a National Study Commission, which shall make a full and complete investigation and study of all of the technological aspects of achieving, and all aspects of the total economic, social, and environmental effects of achieving or not achieving, the effluent limitations and goals set forth for 1983 in section 301(b)(2) of this Act.

Establishment.

"(b) Such Commission shall be composed of fifteen members, including five members of the Senate, who are members of the Public Works committee, appointed by the President of the Senate, five mem-

Membership.

bers of the House, who are members of the Public Works committee, appointed by the Speaker of the House, and five members of the public appointed by the President. The Chairman of such Commission shall be elected from among its members.

Contract authority.

"(c) In the conduct of such study, the Commission is authorized to contract with the National Academy of Sciences and the National Academy of Engineering (acting through the National Research Council), the National Institute of Ecology, Brookings Institution, and other nongovernmental entities, for the investigation of matters within their competence.

"(d) The heads of the departments, agencies and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out the requirements of this section, and shall furnish to the Commission such information as the Commission deems necessary to carry out this section.

Report to Congress.

"(e) A report shall be submitted to the Congress of the results of such investigation and study, together with recommendations, not later than three years after the date of enactment of this title.

"(f) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chairman shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title V of the United States Code, including traveltime and while 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 law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

5 USC 5332 note.

80 Stat. 499; 83 Stat. 190. 5 USC 5703, 5707 and notes.

"(g) There is authorized to be appropriated, for use in carrying out this section, not to exceed $15,000,000.

Appropriation.

"THERMAL DISCHARGES

"SEC. 316. (a) With respect to any point source otherwise subject to the provisions of section 301 or section 306 of this Act, whenever the owner or operator of any such source, after opportunity for public hearing, can demonstrate to the satisfaction of the Administrator (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the projection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made, the Administrator (or, if appropriate, the State) may impose an effluent limitation under such sections for such plant, with respect to the thermal component of such discharge (taking into account the interaction of such thermal component with other pollutants), that will assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on that body of water.

"(b) Any standard established pursuant to section 301 or section 306 of this Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

"(c) Notwithstanding any other provision of this Act, any point source of a discharge having a thermal component, the modification of which point source is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which, as modified, meets effluent limitations established under section 301 or, if more stringent, effluent limitations established under

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section 303 and which effluent limitations will assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the water into which the discharge is made, shall not be subject to any more stringent effluent limitation with respect to the thermal component of its discharge during a ten year period beginning on the date of completion of such modification or during the period of depreciation or amortization of such facility for the purpose of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first.

68A Stat. 51; 85 Stat. 508. 83 Stat. 667. 26 USC 167, 169.

"FINANCING STUDY

"SEC. 317. (a) The Administrator shall continue to investigate and study the feasibility of alternate methods of financing the cost of preventing, controlling and abating pollution as directed in the Water Quality Improvement Act of 1970 (Public Law 91-224), including, but not limited to, the feasibility of establishing a pollution abatement trust fund. The results of such investigation and study shall be reported to the Congress not later than two years after enactment of this title, together with recommendations of the Administrator for financing the programs for preventing, controlling and abating pollution for the fiscal years beginning after fiscal year 1976, including any necessary legislation.

84 Stat. 91. 33 USC 1151 note.

Report to Congress.

"(b) There is authorized to be appropriated for use in carrying out this section, not to exceed $1,000,000.

Appropriation.

"AQUACULTURE

"SEC. 318. (a) The Administrator is authorized, after public hearings, to permit the discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project under Federal or State supervision.

"(b) The Administrator shall by regulation, not later than January 1, 1974, establish any procedures and guidelines he deems necessary to carry out this section.

"TITLE IV—PERMITS AND LICENSES

"CERTIFICATION

"SEC. 401. (a)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of this Act. In the case of any such activity for which there is not an applicable effluent limitation or other limitation under sections 301(b) and 302, and there is not an applicable standard under sections 306 and 307, the State shall so certify, except that any such certification shall not be deemed to satisfy section 511(c) of this Act. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it and, to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where a State or interstate agency has no authority to give such a certification, such certification shall be from the Administrator. If the State, interstate

agency, or Administrator, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Administrator, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Administrator of such application and certification. Whenever such a discharge may affect, as determined by the Administrator, the quality of the waters of any other State, the Administrator within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate any water quality requirement in such State, and within such sixty-day period notifies the Administrator and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Administrator shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Administrator, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality requirements. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Administrator, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Administrator, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with the applicable provisions of sections 301, 302, 306, and 307 of this Act because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, (C) the water quality criteria applicable to such waters or (D) applicable effluent limitations or other requirements. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or, if appropriate, the interstate agency or the Administrator, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted, which changes may result in violation of section 301, 302, 306, or 307 of this Act.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or, if appropriate, the interstate agency or the Administrator to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Administrator that the operation of any such federally licensed or permitted facility or activity will violate applicable effluent limitations or other limitations or other water quality requirements such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Administrator, as the case may be, that there is reasonable assurance that such facility or activity will not violate the applicable provisions of section 301, 302, 306, or 307 of this Act. License suspension.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under this Act that such facility or activity has been operated in violation of the applicable provisions of section 301, 302, 306, or 307 of this Act.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) Except with respect to a permit issued under section 402 of this Act, in any case where actual construction of a facility has been lawfully commenced prior to April 3, 1970, no certification shall be required under this subsection for a license or permit issued after April 3, 1970, to operate such facility, except that any such license or permit issued without certification shall terminate April 3, 1973, unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this section.

"(b) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with any applicable water quality requirements. The Administrator shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable effluent limitations, or other limitations, standards, regulations, or requirements, or water quality criteria, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such limitations, standards, regulations, requirements, or criteria.

"(c) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

"(d) Any certification provided under this section shall set forth any effluent limitations and other limitations, and monitoring require-

ments necessary to assure that any applicant for a Federal license or permit will comply with any applicable effluent limitations and other limitations, under section 301 or 302 of this Act, standard of performance under section 306 of this Act, or prohibition, effluent standard, or pretreatment standard under section 307 of this Act, and with any other appropriate requirement of State law set forth in such certification, and shall become a condition on any Federal license or permit subject to the provisions of this section.

"NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Permits, issuance.

"SEC. 402. (a) (1) Except as provided in sections 318 and 404 of this Act, the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 301(a), upon condition that such discharge will meet either all applicable requirements under sections 301, 302, 306, 307, 308, and 403 of this Act, or prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of this Act.

"(2) The Administrator shall prescribe conditions for such permits to assure compliance with the requirements of paragraph (1) of this subsection, including conditions on data and information collection, reporting, and such other requirements as he deems appropriate.

"(3) The permit program of the Administrator under paragraph (1) of this subsection, and permits issued thereunder, shall be subject to the same terms, conditions, and requirements as apply to a State permit program and permits issued thereunder under subsection (b) of this section.

30 Stat. 1152. 33 USC 407.

"(4) All permits for discharges into the navigable waters issued pursuant to section 13 of the Act of March 3, 1899, shall be deemed to be permits issued under this title, and permits issued under this title shall be deemed to be permits issued under section 13 of the Act of March 3, 1899, and shall continue in force and effect for their term unless revoked, modified, or suspended in accordance with the provisions of this Act.

"(5) No permit for a discharge into the navigable waters shall be issued under section 13 of the Act of March 3, 1899, after the date of enactment of this title. Each application for a permit under section 13 of the Act of March 3, 1899, pending on the date of enactment of this Act shall be deemed to be an application for a permit under this section. The Administrator shall authorize a State, which he determines has the capability of administering a permit program which will carry out the objective of this Act, to issue permits for discharges into the navigable waters within the jurisdiction of such State. The Administrator may exercise the authority granted him by the preceding sentence only during the period which begins on the date of enactment of this Act and ends either on the ninetieth day after the date of the first promulgation of guidelines required by section 304 (h) (2) of this Act, or the date of approval by the Administrator of a permit program for such State under subsection (b) of this section, whichever date first occurs, and no such authorization to a State shall extend beyond the last day of such period. Each such permit shall be subject to such conditions as the Administrator determines are necessary to carry out the provisions of this Act. No such permit shall issue if the Administrator objects to such issuance.

State permit programs.

"(b) At any time after the promulgation of the guidelines required by subsection (h) (2) of section 304 of this Act, the Governor of each State desiring to administer its own permit program for discharges

into navigable waters within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact. In addition, such State shall submit a statement from the attorney general (or the attorney for those State water pollution control agencies which have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of such State, or the interstate compact, as the case may be, provide adequate authority to carry out the described program. The Administrator shall approve each such submitted program unless he determines that adequate authority does not exist:

Approval conditions.

"(1) To issue permits which—

"(A) apply, and insure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

"(B) are for fixed terms not exceeding five years; and

"(C) can be terminated or modified for cause including, but not limited to, the following:

"(i) violation of any condition of the permit;

"(ii) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

"(iii) change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

"(D) control the disposal of pollutants into wells;

"(2)(A) To issue permits which apply, and insure compliance with, all applicable requirements of section 308 of this Act, or

"(B) To inspect, monitor, enter, and require reports to at least the same extent as required in section 308 of this Act;

"(3) To insure that the public, and any other State the waters of which may be affected, receive notice of each application for a permit and to provide an opportunity for public hearing before a ruling on each such application;

"(4) To insure that the Administrator receives notice of each application (including a copy thereof) for a permit;

"(5) To insure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing;

"(6) To insure that no permit will be issued if, in the judgment of the Secretary of the Army acting through the Chief of Engineers, after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired thereby;

"(7) To abate violations of the permit or the permit program, including civil and criminal penalties and other ways and means of enforcement;

"(8) To insure that any permit for a discharge from a publicly owned treatment works includes conditions to require adequate notice to the permitting agency of (A) new introductions into such works of pollutants from any source which would be a new source as defined in section 306 if such source were discharging pollutants, (B) new introductions of pollutants into such works from a source which would be subject to section 301 if it were discharging such pollutants, or (C) a substantial change in volume or character of pollutants being introduced into such works by a source introducing pollutants into

such works at the time of issuance of the permit. Such notice shall include information on the quality and quantity of effluent to be introduced into such treatment works and any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works; and

"(9) To insure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

"(c)(1) Not later than ninety days after the date on which a State has submitted a program (or revision thereof) pursuant to subsection (b) of this section, the Administrator shall suspend the issuance of permits under subsection (a) of this section as to those navigable waters subject to such program unless he determines that the State permit program does not meet the requirements of subsection (b) of this section or does not conform to the guidelines issued under section 304(h)(2) of this Act. If the Administrator so determines, he shall notify the State of any revisions or modifications necessary to conform to such requirements or guidelines.

"(2) Any State permit program under this section shall at all times be in accordance with this section and guidelines promulgated pursuant to section 304(h)(2) of this Act.

State permit program, approval withdrawal.

"(3) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

Administrator, notification.

"(d)(1) Each State shall transmit to the Administrator a copy of each permit application received by such State and provide notice to the Administrator of every action related to the consideration of such permit application, including each permit proposed to be issued by such State.

"(2) No permit shall issue (A) if the Administrator within ninety days of the date of his notification under subsection (b)(5) of this section objects in writing to the issuance of such permit, or (B) if the Administrator within ninety days of the date of transmittal of the proposed permit by the State objects in writing to the issuance of such permit as being outside the guidelines and requirements of this Act.

Waiver authority.

"(3) The Administrator may, as to any permit application, waive paragraph (2) of this subsection.

"(e) In accordance with guidelines promulgated pursuant to subsection (h)(2) of section 304 of this Act, the Administrator is authorized to waive the requirements of subsection (d) of this section at the time he approves a program pursuant to subsection (b) of this section for any category (including any class, type, or size within such category) of point sources within the State submitting such program.

Point sources, categories.

"(f) The Administrator shall promulgate regulations establishing categories of point sources which he determines shall not be subject to the requirements of subsection (d) of this section in any State with a program approved pursuant to subsection (b) of this section. The Administrator may distinguish among classes, types, and sizes within any category of point sources.

"(g) Any permit issued under this section for the discharge of pollutants into the navigable waters from a vessel or other floating craft shall be subject to any applicable regulations promulgated by the Secretary of the department in which the Coast Guard is operating,

establishing specifications for safe transportation, handling, carriage, storage, and stowage of pollutants.

"(h) In the event any condition of a permit for discharges from a treatment works (as defined in section 212 of this Act) which is publicly owned is violated, a State with a program approved under subsection (b) of this section or the Administrator, where no State program is approved, may proceed in a court of competent jurisdiction to restrict or prohibit the introduction of any pollutant into such treatment works by a source not utilizing such treatment works prior to the finding that such condition was violated.

"(i) Nothing in this section shall be construed to limit the authority of the Administrator to take action pursuant to section 309 of this Act.

"(j) A copy of each permit application and each permit issued under this section shall be available to the public. Such permit application or permit, or portion thereof, shall further be available on request for the purpose of reproduction. Public information.

"(k) Compliance with a permit issued pursuant to this section shall be deemed compliance, for purposes of sections 309 and 505, with sections 301, 302, 306, 307, and 403, except any standard imposed under section 307 for a toxic pollutant injurious to human health. Until December 31, 1974, in any case where a permit for discharge has been applied for pursuant to this section, but final administrative disposition of such application has not been made, such discharge shall not be a violation of (1) section 301, 306, or 402 of this Act, or (2) section 13 of the Act of March 3, 1899, unless the Administrator or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For the 180-day period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, in the case of any point source discharging any pollutant or combination of pollutants immediately prior to such date of enactment which source is not subject to section 13 of the Act of March 3, 1899, the discharge by such source shall not be a violation of this Act if such a source applies for a permit for discharge pursuant to this section within such 180-day period.

30 Stat. 1152.
33 USC 407.

Ante, p. 816.

"OCEAN DISCHARGE CRITERIA

"SEC. 403. (a) No permit under section 402 of this Act for a discharge into the territorial sea, the waters of the contiguous zone, or the oceans shall be issued, after promulgation of guidelines established under subsection (c) of this section, except in compliance with such guidelines. Prior to the promulgation of such guidelines, a permit may be issued under such section 402 if the Administrator determines it to be in the public interest.

"(b) The requirements of subsection (d) of section 402 of this Act may not be waived in the case of permits for discharges into the territorial sea.

"(c)(1) The Administrator shall, within one hundred and eighty days after enactment of this Act (and from time to time thereafter), promulgate guidelines for determining the degradation of the waters of the territorial seas, the contiguous zone, and the oceans, which shall include: Guidelines.

"(A) the effect of disposal of pollutants on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

"(B) the effect of disposal of pollutants on marine life including the transfer, concentration, and dispersal of pollutants or their

byproducts through biological, physical, and chemical processes; changes in marine ecosystem diversity, productivity, and stability; and species and community population changes;

"(C) the effect of disposal, of pollutants on esthetic, recreation, and economic values;

"(D) the persistence and permanence of the effects of disposal of pollutants;

"(E) the effect of the disposal at varying rates, of particular volumes and concentrations of pollutants;

"(F) other possible locations and methods of disposal or recycling of pollutants including land-based alternatives; and

"(G) the effect on alternate uses of the oceans, such as mineral exploitation and scientific study.

Prohibition.

"(2) In any event where insufficient information exists on any proposed discharge to make a reasonable judgment on any of the guidelines established pursuant to this subsection no permit shall be issued under section 402 of this Act.

"PERMITS FOR DREDGED OR FILL MATERIAL

Notice, hearing opportunity.

"SEC. 404. (a) The Secretary of the Army, acting through the Chief of Engineers, may issue permits, after notice and opportunity for public hearings for the discharge of dredged or fill material into the navigable waters at specified disposal sites.

"(b) Subject to subsection (c) of this section, each such disposal site shall be specified for each such permit by the Secretary of the Army (1) through the application of guidelines developed by the Administrator, in conjunction with the Secretary of the Army, which guidelines shall be based upon criteria comparable to the criteria applicable to the territorial seas, the contiguous zone, and the ocean under section 403(c), and (2) in any case where such guidelines under clause (1) alone would prohibit the specification of a site, through the application additionally of the economic impact of the site on navigation and anchorage.

Disposal site, specification prohibition.

"(c) The Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and he is authorized to deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Before making such determination, the Administrator shall consult with the Secretary of the Army. The Administrator shall set forth in writing and make public his findings and his reasons for making any determination under this subsection.

Findings of Administrator, publication.

"DISPOSAL OF SEWAGE SLUDGE

"SEC. 405. (a) Notwithstanding any other provision of this Act or of any other law, in any case where the disposal of sewage sludge resulting from the operation of a treatment works as defined in section 212 of this Act (including the removal of in-place sewage sludge from one location and its deposit at another location) would result in any pollutant from such sewage sludge entering the navigable waters, such disposal is prohibited except in accordance with a permit issued by the Administrator under this section.

"(b) The Administrator shall issue regulations governing the issuance of permits for the disposal of sewage sludge subject to this section. Such regulations shall require the application to such disposal of each criterion, factor, procedure, and requirement applicable to a permit issued under section 402 of this title, as the Administrator determines necessary to carry out the objective of this Act. Permit issuance, regulations.

"(c) Each State desiring to administer its own permit program for disposal of sewage sludge within its jurisdiction may do so if upon submission of such program the Administrator determines such program is adequate to carry out the objective of this Act. State permit program.

"TITLE V—GENERAL PROVISIONS

"ADMINISTRATION

"SEC. 501. (a) The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. Regulations.

"(b) The Administrator, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

"(c) Each recipient of financial assistance under this Act shall keep such records as the Administrator 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. Recordkeeping.

"(d) The Administrator 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 grants received under this Act. Audit.

"(e)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Administrator shall, in consultation with the appropriate State water pollution control agencies, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality requirements under this Act, or otherwise does not have a satisfactory record with respect to environmental quality. Awards. Application, regulations.

"(2) The Administrator shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established under this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Administrator and the awarding of such recognition shall be published in the Federal Register. Publication in Federal Register.

"(f) Upon the request of a State water pollution control agency, personnel of the Environmental Protection Agency may be detailed to such agency for the purpose of carrying out the provisions of this Act. EPA personnel, detail to State agencies.

"GENERAL DEFINITIONS

"SEC. 502. Except as otherwise specifically provided, when used in this Act:

"(1) The term 'State water pollution control agency' means the State agency designated by the Governor having responsibility for enforcing State laws relating to the abatement of pollution.

"(2) The term 'interstate agency' means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator.

"(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(4) The term 'municipality' means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of this Act.

"(5) The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

"(6) The term 'pollutant' means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean (A) 'sewage from vessels' within the meaning of section 312 of this Act; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines that such injection or disposal will not result in the degradation of ground or surface water resources.

"(7) The term 'navigable waters' means the waters of the United States, including the territorial seas.

"(8) The term 'territorial seas' means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

"(9) The term 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

15 UST 1606.

"(10) The term 'ocean' means any portion of the high seas beyond the contiguous zone.

"(11) The term 'effluent limitation' means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.

"(12) The term 'discharge of a pollutant' and the term 'discharge of pollutants' each means (A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

"(13) The term 'toxic pollutant' means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

"(14) The term 'point source' means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

"(15) The term 'biological monitoring' shall mean the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants (A) by techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain appropriate to the volume and the physical, chemical, and biological characteristics of the effluent, and (B) at appropriate frequencies and locations.

"(16) The term 'discharge' when used without qualification includes a discharge of a pollutant, and a discharge of pollutants.

"(17) The term 'schedule of compliance' means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

"(18) The term 'industrial user' means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category 'Division D—Manufacturing' and such other classes of significant waste producers as, by regulation, the Administrator deems appropriate.

"(19) The term 'pollution' means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"WATER POLLUTION CONTROL ADVISORY BOARD

"SEC. 503. (a)(1) There is hereby established in the Environmental Protection Agency a Water Pollution Control Advisory Board, composed of the Administrator or his designee, who shall be Chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate, and local governmental agencies, of public or private interests contributing to, affected by, or concerned with pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of pollution prevention and control, as well as other individuals who are expert in this field. Establishment; membership.

"(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) 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 (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under Term.

the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term.

Compensation.

"(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Administrator, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding $100 per diem, including travel-time, and while 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 law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

80 Stat. 499; 83 Stat. 190. 5 USC 5703, 5707 and notes.

"(b) The Board shall advise, consult with, and make recommendations to the Administrator on matters of policy relating to the activities and functions of the Administrator under this Act.

"(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Environmental Protection Agency.

"EMERGENCY POWERS

"SEC. 504. Notwithstanding any other provision of this Act, the Administrator upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to the livelihood of such persons, such as inability to market shellfish, may bring suit on behalf of the United States in the appropriate district court to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take such other action as may be necessary.

"CITIZEN SUITS

"SEC. 505. (a) Except as provided in subsection (b) of this section, any citizen may commence a civil action on his own behalf—

"(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of (A) an effluent standard or limitation under this Act or (B) an order issued by the Administrator or a State with respect to such a standard or limitation, or

USC prec. title 1.

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

District court jurisdiction.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an effluent standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be, and to apply any appropriate civil penalties under section 309(d) of this Act.

Notice and filing.

"(b) No action may be commenced—

"(1) under subsection (a)(1) of this section—

"(A) prior to sixty days after the plaintiff has given notice of the alleged violation (i) to the Administrator, (ii) to the State in which the alleged violation occurs, and (iii) to any alleged violator of the standard, limitation, or order, or

"(B) if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court

of the United States, or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any citizen may intervene as a matter of right.

"(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator,

except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of sections 306 and 307(a) of this Act. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

Notice, regulation.

"(c)(1) Any action respecting a violation by a discharge source of an effluent standard or limitation or an order respecting such standard or limitation may be brought under this section only in the judicial district in which such source is located.

"(2) In such action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(d) The court, in issuing any final order in any action brought pursuant to 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. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

Litigation costs.

28 USC app.

"(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 any effluent standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(f) For purposes of this section, the term 'effluent standard or limitation under this Act' means (1) effective July 1, 1973, an unlawful act under subsection (a) of section 301 of this Act; (2) an effluent limitation or other limitation under section 301 or 302 of this Act; (3) standard of performance under section 306 of this Act; (4) prohibition, effluent standard or pretreatment standards under section 307 of this Act; (5) certification under section 401 of this Act; or (6) a permit or condition thereof issued under section 402 of this Act, which is in effect under this Act (including a requirement applicable by reason of section 313 of this Act).

"Effluent standard or limitation under this Act."

"(g) For the purposes of this section the term 'citizen' means a person or persons having an interest which is or may be adversely affected.

"Citizen."

"(h) A Governor of a State may commence a civil action under subsection (a), without regard to the limitations of subsection (b) of this section, against the Administrator where there is alleged a failure of the Administrator to enforce an effluent standard or limitation under this Act the violation of which is occurring in another State and is causing an adverse effect on the public health or welfare in his State, or is causing a violation of any water quality requirement in his State.

State Governor, civil action.

"APPEARANCE

"SEC. 506. The Administrator shall request the Attorney General to appear and represent the United States in any civil or criminal action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator within a reasonable time, that he will appear in a civil action, attorneys who are officers or employees of the Environmental Protection Agency shall appear and represent the United States in such action.

"EMPLOYEE PROTECTION

"SEC. 507. (a) No person shall fire, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act.

Review; hearing opportunity.

80 Stat. 384.

Judicial review.

"(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

"(d) This section shall have no application to any employee who, acting without direction from his employer (or his agent) deliberately violates any prohibition of effluent limitation or other limitaton under section 301 or 302 of this Act, standards of performance under section 306 of this Act, effluent standard, prohibition or pretreatment standard under section 307 of this Act, or any other prohibition or limitation established under this Act.

"(e) The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the issuance of any effluent limitation or order under this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such limitation or order. Any employee who is discharged or laid-off, threatened with discharge or lay-off, or otherwise discriminated against by any person because of the alleged results of any effluent limitation or order issued under this Act, or any representative of such employee, may request the Administrator to conduct a full investigation of the matter. The Administra-

Employment reduction, investigation.

tor shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than five days notice, and shall at such hearings require the parties, including the employer involved, to present information relating to the actual or potential effect of such limitation or order on employment and on any alleged discharge, lay-off, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Administrator shall make findings of fact as to the effect of such effluent limitation or order on employment and on the alleged discharge, lay-off, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the Administrator to modify or withdraw any effluent limitation or order issued under this Act.

Public hearings.

80 Stat. 384.

Information, availability.

"FEDERAL PROCUREMENT

"SEC. 508. (a) No Federal agency may enter into any contract with any person, who has been convicted of any offense under section 309 (c) of this Act, for the procurement of goods, materials, and services if such contract is to be performed at any facility at which the violation which gave rise to such conviction occurred, and if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

Prohibition.

"(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a) of this section.

"(c) In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's water, the President shall, not more than one hundred and eighty days after enactment of this Act, cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

Implementation, Presidential order.

"(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

Exemption, notification to Congress.

"(e) The President shall annually report to the Congress on measures taken in compliance with the purpose and intent of this section, including, but not limited to, the progress and problems associated with such compliance.

Annual report to Congress.

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"SEC. 509. (a) (1) For purposes of obtaining information under section 305 of this Act, or carrying out section 507(e) of this Act, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for effluent data, upon a showing satisfactory to the Administrator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes, the Administrator

Administrator, subpena power.

Trade secrets, protection.

shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under 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 United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

62 Stat. 791.

Witnesses.

U.S. district courts, subpenas.

"(2) The district courts of the United States are authorized, upon application by the Administrator, to issue subpenas for attendance and testimony of witnesses and the production of relevant papers, books, and documents, for purposes of obtaining information under sections 304 (b) and (c) of this Act. Any papers, books, documents, or other information or part thereof, obtained by reason of such a subpena shall be subject to the same requirements as are provided in paragraph (1) of this subsection.

Judicial review.

"(b)(1) Review of the Administrator's action (A) in promulgating any standard of performance under section 306, (B) in making any determination pursuant to section 306(b)(1)(C), (C) in promulgating any effluent standard, prohibition, or treatment standard under section 307, (D) in making any determination as to a State permit program submitted under section 402(b), (E) in approving or promulgating any effluent limitation or other limitation under section 301, 302, or 306, and (F) in issuing or denying any permit under section 402, may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such determination, approval, promulgation, issuance or denial, or after such date only if such application is based solely on grounds which arose after such ninetieth day.

"(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) of this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

Additional evidence; new findings.

"(c) In any judicial proceeding brought under subsection (b) of this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"STATE AUTHORITY

"SEC. 510. Except as expressly provided in this Act, nothing in this Act shall (1) preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce (A) any standard or limitation respecting discharges of pollutants, or (B) any requirement respecting control or abatement of pollution; except that if an effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance is in effect under this Act, such State or political subdivision or interstate agency may not adopt or enforce any effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance which is less stringent than the effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance under this Act; or (2) be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

"OTHER AFFECTED AUTHORITY

"SEC. 511. (a) This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the United States under any other law or regulation not inconsistent with this Act; (2) affecting or impairing the authority of the Secretary of the Army (A) to maintain navigation or (B) under the Act of March 3, 1899 (30 Stat. 1112); except that any permit issued under section 404 of this Act shall be conclusive as to the effect on water quality of any discharge resulting from any activity subject to section 10 of the Act of March 3, 1899, or (3) affecting or impairing the provisions of any treaty of the United States. 30 Stat. 1151. 33 USC 403.

"(b) Discharges of pollutants into the navigable waters subject to the Rivers and Harbors Act of 1910 (36 Stat. 593; 33 U.S.C. 421) and the Supervisory Harbors Act of 1888 (25 Stat. 209; 33 U.S.C. 441–451b) shall be regulated pursuant to this Act, and not subject to such Act of 1910 and the Act of 1888 except as to effect on navigation and anchorage. 72 Stat. 970.

"(c)(1) Except for the provision of Federal financial assistance for the purpose of assisting the construction of publicly owned treatment works as authorized by section 201 of this Act, and the issuance of a permit under section 402 of this Act for the discharge of any pollutant by a new source as defined in section 306 of this Act, no action of the Administrator taken pursuant to this Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852); and 42 USC 4321 note.

"(2) Nothing in the National Environmental Policy Act of 1969 (83 Stat. 852) shall be deemed to—

"(A) authorize any Federal agency authorized to license or permit the conduct of any activity which may result in the discharge of a pollutant into the navigable waters to review any effluent limitation or other requirement established pursuant to this Act or the adequacy of any certification under section 401 of this Act; or

"(B) authorize any such agency to impose, as a condition precedent to the issuance of any license or permit, any effluent limitation other than any such limitation established pursuant to this Act.

"SEPARABILITY

"SEC. 512. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"LABOR STANDARDS

"SEC. 513. The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on treatment works for which grants are made under this Act shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

49 Stat. 1011; 78 Stat. 238.

64 Stat. 1267.

63 Stat. 108.

"PUBLIC HEALTH AGENCY COORDINATION

"SEC. 514. The permitting agency under section 402 shall assist the applicant for a permit under such section in coordinating the requirements of this Act with those of the appropriate public health agencies.

"EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Establishment; membership.

"SEC. 515. (a)(1) There is established on Effluent Standards and Water Quality Information Advisory Committee, which shall be composed of a Chairman and eight members who shall be appointed by the Administrator within sixty days after the date of enactment of this Act.

"(2) All members of the Committee shall be selected from the scientific community, qualified by education, training, and experience to provide, assess, and evaluate scientific and technical information on effluent standards and limitations.

Term.

"(3) Members of the Committee shall serve for a term of four years, and may be reappointed.

Proposed regulations, public hearing.

"(b)(1) No later than one hundred and eighty days prior to the date on which the Administrator is required to publish any proposed regulations required by section 304(b) of this Act, any proposed standard of performance for new sources required by section 306 of this Act, or any proposed toxic effluent standard required by section 307 of this Act, he shall transmit to the Committee a notice of intent to propose such regulations. The Chairman of the Committee within ten days after receipt of such notice may publish a notice of a public hearing by the Committee, to be held within thirty days.

"(2) No later than one hundred and twenty days after receipt of such notice, the Committee shall transmit to the Administrator such scientific and technical information as is in its possession, including that presented at any public hearing, related to the subject matter contained in such notice.

"(3) Information so transmitted to the Administrator shall constitute a part of the administrative record and comments on any proposed regulations or standards as information to be considered with other comments and information in making any final determinations.

"(4) In preparing information for transmittal, the Committee shall avail itself of the technical and scientific services of any Federal agency, including the United States Geological Survey and any national environmental laboratories which may be established.

"(c)(1) The Committee shall appoint and prescribe the duties of a Secretary, and such legal counsel as it deems necessary. The Committee shall appoint such other employees as it deems necessary to exercise and fulfill its powers and responsibilities. The compensation of all employees appointed by the Committee shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title V of the United States Code. Secretary; legal counsel. 5 USC 5101, 5331.

"(2) Members of the Committee shall be entitled to receive compensation at a rate to be fixed by the President but not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title V of the United States Code.

"(d) Five members of the Committee shall constitute a quorum, and official actions of the Committee shall be taken only on the affirmative vote of at least five members. A special panel composed of one or more members upon order of the Committee shall conduct any hearing authorized by this section and submit the transcript of such hearing to the entire Committee for its action thereon. Quorum.

"(e) The Committee is authorized to make such rules as are necessary for the orderly transaction of its business. Rules.

"REPORTS TO CONGRESS

"SEC. 516. (a) Within ninety days following the convening of each session of Congress, the Administrator shall submit to the Congress a report, in addition to any other report required by this Act, on measures taken toward implementing the objective of this Act, including, but not limited to, (1) the progress and problems associated with developing comprehensive plans under section 102 of this Act, areawide plans under section 208 of this Act, basin plans under section 209 of this Act, and plans under section 303(e) of this Act; (2) a summary of actions taken and results achieved in the field of water pollution control research, experiments, studies, and related matters by the Administrator and other Federal agencies and by other persons and agencies under Federal grants or contracts; (3) the progress and problems associated with the development of effluent limitations and recommended control techniques; (4) the status of State programs, including a detailed summary of the progress obtained as compared to that planned under State program plans for development and enforcement of water quality requirements; (5) the identification and status of enforcement actions pending or completed under such Act during the preceding year; (6) the status of State, interstate, and local pollution control programs established pursuant to, and assisted by, this Act; (7) a summary of the results of the survey required to be taken under section 210 of this Act; (8) his activities including recommendations under sections 109 through 111 of this Act; and (9) all reports and recommendations made by the Water Pollution Control Advisory Board.

"(b) The Administrator, in cooperation with the States, including water pollution control agencies and other water pollution control planning agencies, shall make (1) a detailed estimate of the cost of carrying out the provisions of this Act; (2) a detailed estimate, biennially revised, of the cost of construction of all needed publicly owned treatment works in all of the States and of the cost of construction of all needed publicly owned treatment works in each of the States; (3) a comprehensive study of the economic impact on affected units of gov-

ernment of the cost of installation of treatment facilities; and (4) a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain the water quality objectives as established by this Act or applicable State law. The Administrator shall submit such detailed estimate and such comprehensive study of such cost to the Congress no later than February 10 of each odd-numbered year. Whenever the Administrator, pursuant to this subsection, requests and receives an estimate of cost from a State, he shall furnish copies of such estimate together with such detailed estimate to Congress.

"GENERAL AUTHORIZATION

"SEC. 517. There are authorized to be appropriated to carry out this Act, other than sections 104, 105, 106(a), 107, 108, 112, 113, 114, 115, 206, 207, 208 (f) and (h), 209, 304, 311 (c), (d), (i), (l), and (k), 314, 315, and 317, $250,000,000 for the fiscal year ending June 30, 1973, $300,000,000 for the fiscal year ending June 30, 1974, and $350,000,000 for the fiscal year ending June 30, 1975.

"SHORT TITLE

"SEC. 518. This Act may be cited as the 'Federal Water Pollution Control Act'."

AUTHORIZATIONS FOR FISCAL YEAR 1972

SEC. 3. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1972, and to exceed $11,000,000 for the purpose of carrying out section 5(n) (other than for salaries and related expenses) of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

85 Stat. 379.
33 USC 1155.

(b) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, and to exceed $350,000,000 for the purpose of making grants under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

79 Stat. 903;
80 Stat. 1248;
Ante, p. 48.
33 USC 1158.

(c) The Federal share of all grants made under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from sums herein and heretofore authorized for the fiscal year ending June 30, 1972, shall be that authorized by section 202 of such Act as established by the Federal Water Pollution Control Act Amendments of 1972.

Ante, p. 834.

(d) Sums authorized by this section shall be in addition to any amounts heretofore authorized for such fiscal year for sections 5(n) and 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

SAVINGS PROVISION

SEC. 4. (a) No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity or in relation to the discharge of his official duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall abate by reason of the taking effect of the amendment made by section 2 of this Act. The court may, on its own motion or that of any party

Ante, p. 816.

made at any time within twelve months after such taking effect, allow the same to be maintained by or against the Administrator or such officer or employee.

(b) All rules, regulations, orders, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, and pertaining to any functions, powers, requirements, and duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, shall continue in full force and effect after the date of enactment of this Act until modified or rescinded in accordance with the Federal Water Pollution Control Act as amended by this Act.

70 Stat. 498; 84 Stat. 91. 33 USC 1151 note.

(c) The Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall remain applicable to all grants made from funds authorized for the fiscal year ending June 30, 1972, and prior fiscal years, including any increases in the monetary amount of any such grant which may be paid from authorizations for fiscal years beginning after June 30, 1972, except as specifically otherwise provided in section 202 of the Federal Water Pollution Control Act as amended by this Act and in subsection (c) of section 3 of this Act.

Ante, p. 834.

OVERSIGHT STUDY

SEC. 5. In order to assist the Congress in the conduct of oversight responsibilities the Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to prevention and control of water pollution, including waste treatment and disposal techniques, which are conducted, supported, or assisted by any agency of the Federal Government pursuant to any Federal law or regulation and assess conflicts between, and the coordination and efficacy of, such programs, and make a report to the Congress thereon by October 1, 1973.

Report to Congress.

INTERNATIONAL TRADE STUDY

SEC. 6. (a) The Secretary of Commerce, in cooperation with other interested Federal agencies and with representatives of industry and the public, shall undertake immediately an investigation and study to determine—

(1) the extent to which pollution abatement and control programs will be imposed on, or voluntarily undertaken by, United States manufacturers in the near future and the probable short- and long-range effects of the costs of such programs (computed to the greatest extent practicable on an industry-by-industry basis) on (A) the production costs of such domestic manufacturers, and (B) the market prices of the goods produced by them;

(2) the probable extent to which pollution abatement and control programs will be implemented in foreign industrial nations in the near future and the extent to which the production costs (computed to the greatest extent practicable on an industry-by-industry basis) of foreign manufacturers will be affected by the costs of such programs;

(3) the probable competitive advantage which any article manufactured in a foreign nation will likely have in relation to a comparable article made in the United States if that foreign nation—

(A) does not require its manufacturers to implement pollution abatement and control programs.

(B) requires a lesser degree of pollution abatement and control in its programs, or

(C) in any way reimburses or otherwise subsidizes its manufacturers for the costs of such program;

(4) alternative means by which any competitive advantage accruing to the products of any foreign nation as a result of any factor described in paragraph (3) may be (A) accurately and quickly determined, and (B) equalized, for example, by the imposition of a surcharge or duty, on a foreign product in an amount necessary to compensate for such advantage; and

(5) the impact, if any, which the imposition of a compensating tariff of other equalizing measure may have in encouraging foreign nations to implement pollution and abatement control programs.

Report to President and Congress.

(b) The Secretary shall make an initial report to the President and Congress within six months after the date of enactment of this section of the results of the study and investigation carried out pursuant to this section and shall make additional reports thereafter at such times as he deems appropriate taking into account the development of relevant data, but not less than once every twelve months.

INTERNATIONAL AGREEMENTS

SEC. 7. The President shall undertake to enter into international agreements to apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, uniform controls over the discharge and emission of toxic pollutants, and uniform controls over the discharge of pollutants into the ocean. For this purpose the President shall negotiate multilateral treaties, conventions, resolutions, or other agreements, and formulate, present, or support proposals at the United Nations and other appropriate international forums.

LOANS TO SMALL BUSINESS CONCERNS FOR WATER POLLUTION CONTROL FACILITY

72 Stat. 387; 81 Stat. 268; *Post*, p. 1316. 15 USC 636.

SEC. 8. (a) Section 7 of the Small Business Act is amended by inserting at the end thereof a new subsection as follows:

"(g)(1) The Administration also is empowered to make loans (either directly or in cooperation with banks or other lenders through agreements to participate on an immediate or deferred basis) to assist any small business concern in affecting additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operation of such concern to meet water pollution control requirements established under the Federal Water Pollution Control Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this subsection.

Ante, p. 816.

"(2) Any such loan—

"(A) shall be made in accordance with provisions applicable to loans made pursuant to subsection (b)(5) of this section, except as otherwise provided in this subsection;

84 Stat. 1633.

"(B) shall be made only if the applicant furnishes the Administration with a statement in writing from the Environmental Protection Agency or, if appropriate, the State, that such addi-

tions or alterations are necessary and adequate to comply with requirements established under the Federal Water Pollution Control Act.

Ante, p. 816.

"(3) The Administrator of the Environmental Protection Agency shall, as soon as practicable after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and not later than one hundred and eighty days thereafter, promulgate regulations establishing uniform rules for the issuance of statements for the purpose of paragraph (2)(B) of this subsection.

Regulations, promulgation.

"(4) There is authorized to be appropriated to the disaster loan fund established pursuant to section 4(c) of this Act not to exceed $800,000,000 solely for the purpose of carrying out this subsection."

Ante, pp. 382, 556.

(b) Section 4(c)(1)(A) of the Small Business Act is amended by striking out "and 7(c)(2)" and inserting in lieu thereof "7(c)(2), and 7(g)".

ENVIRONMENTAL COURT

SEC. 9. The President, acting through the Attorney General, shall make a full and complete investigation and study of the feasibility of establishing a separate court, or court system, having jurisdiction over environmental matters and shall report the results of such investigation and study together with his recommendations to Congress not later than one year after the date of enactment of this Act.

Report to Congress.

NATIONAL POLICIES AND GOALS STUDY

SEC. 10. The President shall make a full and complete investigation and study of all of the national policies and goals established by law for the purpose of determining what the relationship should be between these policies and goals, taking into account the resources of the Nation. He shall report the results of such investigation and study together with his recommendations to Congress not later than two years after the date of enactment of this Act. There is authorized to be appropriated not to exceed $5,000,000 to carry out the purposes of this section.

Report to Congress.

Appropriation.

EFFICIENCY STUDY

SEC. 11. The President shall conduct a full and complete investigation and study of ways and means of utilizing in the most effective manner all of the various resources, facilities, and personnel of the Federal Government in order most efficiently to carry out the objective of the Federal Water Pollution Control Act. He shall utilize in conducting such investigation and study, the General Accounting Office. He shall report the results of such investigation and study together with his recommendations to Congress not later than two hundred and seventy days after the date of enactment of this Act.

Report to Congress.

ENVIRONMENTAL FINANCING

SEC. 12. (a) This section may be cited as the "Environmental Financing Act of 1972".

Citation of title.

(b) There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The Authority shall be subject to the general supervision and direction of the Secretary of the Treasury. The Authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

Environmental Financing Authority, establishment.

(c) The purpose of this section is to assure that inability to borrow necessary funds on reasonable terms does not prevent any State or local public body from carrying out any project for construction of waste treatment works determined eligible for assistance pursuant to subsection (e) of this section.

Board of Directors.

(d) (1) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(2) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

State or local obligations, purchase.

(e) (1) Until July 1, 1975, the Authority is authorized to make commitments to purchase, and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any project for the construction of waste treatment works which the Administrator of the Environmental Protection Agency has determined to be eligible for Federal financial assistance under the Federal Water Pollution Control Act.

Ante, p. 816.

(2) No commitment shall be entered into, and no purchase shall be made, unless the Administrator of the Environmental Protection Agency (A) has certified that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs; (B) has approved the project as eligible under the Federal Water Pollution Control Act; and (C) has agreed to guarantee timely payment of principal and interest on the obligation. The Administrator is authorized to guarantee such timely payments and to issue regulations as he deems necessary and proper to protect such guarantees. Appropriations are hereby authorized to be made to the Administrator in such sums as are necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations.

Appropriation.

Restriction.

(3) No purchase shall be made of obligations issued to finance projects, the permanent financing of which occurred prior to the enactment of this section.

(4) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (A) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead whenever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (B) the market yields on municipal bonds.

Fees.

(5) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

Advances, interest.

(f) To provide initial capital to the Authority the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions

as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this subsection.

Appropriation.

(g) (1) The Authority is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

Obligations, issuance.

(2) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to paragraph (1) of this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this paragraph. All purchases and sales by the Secretary of the Treasury of such obligations under this paragraph shall be treated as public debt transactions of the United States.

40 Stat. 288. 31 USC 774.

(h) The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense accrued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to subsection (e) of this section.

(i) The Authority shall have power—

Powers.

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this section in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

Tax exemption; exceptions.

(j) The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (A) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (B) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(k) All obligations issued by the Authority shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

(l) In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

Annual report to President and Congress.

(m) The Authority shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

(n) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association".

59 Stat. 597.

(o) The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authority in the same manner as they are applied to the wholly owned Government corporations.

(p) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under subsection (h) of the Environmental Financing Act of 1972."

Ante, p. 901.

SEX DISCRIMINATION

SEC. 13. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act, the Federal Water Pollution Control Act, or the Environmental Financing Act. This section shall be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

Ante, pp. 816, 899.

78 Stat. 252.
42 USC 2000d.

CARL ALBERT

Speaker of the House of Representatives.

FRANK E. MOSS

acting President of the Senate pro tempore.

IN THE SENATE OF THE UNITED STATES,
October 18 (legislative day, October 17), 1972

The Senate having proceeded to reconsider the bill (S. 2770) entitled "An Act to amend the Federal Water Pollution Control Act", 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.

By: Darrell St. Claire
Assistant Secretary.

I certify that this Act originated in the Senate.

FRANCIS R. VALEO
Secretary.

By: Darrell St. Claire
Assistant Secretary.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
October 18, 1972.

The House of Representatives having proceeded to reconsider the bill (S. 2770) entitled "An Act to amend the Federal Water Pollution Control Act", 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 House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS
Clerk.
By: W. Raymond Colley.

Public Law 92-501

October 18, 1972
[S. 1497]

AN ACT

To authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

Sitka National Monument, Alaska. Additional lands; name change.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership for the benefit and inspiration of present and future generations of Americans an area which illustrates a part of the early history of the United States by commemorating czarist Russia's exploration and colonization of Alaska, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase, or exchange, for addition to the Sitka National Monument, the lands and interests therein, and improvements thereon, including the Russian mission, as generally depicted on the map entitled "Proposed Additions, Sitka National Monument, Sitka, Alaska" numbered 314–20,010–A, in two sheets, and dated September 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Lands and interests in lands within such area owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, the Secretary may erect permanent improvements on lands acquired by him from the State of Alaska for the purposes of this Act.

Administration.

SEC. 2. The Sitka National Monument is hereby redesignated as the Sitka National Historical Park, and it shall be administered, protected, and maintained by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

Appropriation.

SEC. 3. There are hereby authorized to be appropriated not to exceed $140,000 for land acquisition and $691,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

Approved October 18, 1972.

Public Law 92-502

AN ACT

October 18, 1972
[H. R. 14731]

To amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Fish and Wildlife Act of 1956 (85 Stat. 480–481; Public Law 92–159) is amended by adding at the end thereof the following new subsections:

Airborne hunting.
Prohibition, enforcement.
16 USC 742j-1.

"(d) The Secretary of the Interior shall enforce the provisions of this section and shall promulgate such regulations as he deems necessary and appropriate to carry out such enforcement. Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this section may, without warrant, arrest any person committing in his presence or view a violation of this section or of any regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this section; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this section, and by such agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this section. Any judge of any court established under the laws of the United States, and any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

Regulations.

Cooperative agreements.

"(e) All birds, fish, or other animals shot or captured contrary to the provisions of this section, or of any regulation issued hereunder, and all guns, aircraft, and other equipment used to aid in the shooting, attempting to shoot, capturing, or harassing of any bird, fish, or other animal in violation of this section or of any regulation issued hereunder shall be subject to forfeiture to the United States.

Forfeiture.

"(f) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or by such persons as he may designate."

Customs laws, applicability.

Approved October 18, 1972.

Public Law 92-503

October 18, 1972
[H. J. Res. 1301]

JOINT RESOLUTION

To extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act.

Housing.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the National Housing Act is amended by striking out "October 1, 1972" in the first sentence and inserting in lieu thereof "June 30, 1973".

84 Stat. 1770.
12 USC 1703.

12 USC 1715h.

(b) Section 217 of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "June 30, 1973".

12 USC 1715*l*.

(c) Section 221(f) of such Act is amended by striking out "October 1, 1972" in the fifth sentence and inserting in lieu thereof "June 30, 1973".

12 USC 1715z.

(d) Section 235(m) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "June 30, 1973".

12 USC 1715z-1.

(e) Section 236(n) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "June 30, 1973".

12 USC 1748h-1.

(f) Section 809(f) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

12 USC 1748h-2.

(g) Section 810(k) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

12 USC 1749bb.

(h) Section 1002(a) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

12 USC 1749aaa.

(i) Section 1101(a) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

SEC. 2. Section 3 of the joint resolution entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", approved December 22, 1971, as amended, is amended by striking out "for a period of nine months after the date of approval of this joint resolution" and inserting in lieu thereof "until June 30, 1973".

Ante, p. 405.

42 USC 1410.

SEC. 3. Section 10 of the United States Housing Act of 1937 is amended—

(1) by striking out "and $225,000,000 on July 1, 1971," in subsection (e) and inserting in lieu thereof "$225,000,000 on July 1, 1971, and $150,000,000 on July 1, 1972,";

84 Stat. 1776.

50 Stat. 892.

(2) by striking out the proviso in subsection (b); and

79 Stat. 487.

(3) by striking out the second proviso in subsection (c).

SEC. 4. The first sentence of section 103(b) of the Housing Act of 1949 is amended by striking out "and by $1,500,000,000 on July 1, 1971" and inserting in lieu thereof "by $1,500,000,000 on July 1, 1971, and by $250,000,000 on July 1, 1972".

63 Stat. 416;
84 Stat. 1776.
42 USC 1453.

Approved October 18, 1972.

Public Law 92-504

AN ACT

October 18, 1972
[H. R. 16870]

To amend the Sockeye Salmon or Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes.

Salmon stocks, Fraser River system.
Restoration and extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Sockeye Salmon or Pink Salmon Fishery Act of 1947 (61 Stat. 514; 16 U.S.C. 776f) is amended by (a) designating existing section 8 as "section 8(a)"; and (b) inserting at the end thereof the following new section:

Appropriation.

"(b) In addition to the amounts authorized in subsection (a) of this section, there is authorized to be appropriated the sum of $7,000,000 for the share of the United States of costs and expenses incident to the development and construction of salmon enhancement facilities pursuant to the program for the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system as approved by the Commission, to remain available until expended."

Approved October 18, 1972.

Public Law 92-505

JOINT RESOLUTION

October 18, 1972
[S. J. Res. 199]

To recognize Thomas Jefferson University, Philadelphia, Pennsylvania, as the first university in the United States to bear the full name of the third President of the United States.

Whereas the Jefferson Medical College of Philadelphia was founded in 1824 during the lifetime of its namesake, Thomas Jefferson;

Whereas the Jefferson Medical College of Philadelphia was given a university charter in 1838 by the State of Pennsylvania;

Whereas the Jefferson Medical College of Philadelphia has long represented and promoted the principles for which Thomas Jefferson stood;

Whereas the Jefferson Medical College of Philadelphia officially changed its name to the Thomas Jefferson University on July 1, 1969: Now, therefore, be it

Thomas Jefferson University, Philadelphia, Pa.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Thomas Jefferson University, Philadelphia, Pennsylvania, be and is hereby recognized as the first university in the United States to bear the full name of the third President of the United States.

Approved October 18, 1972.

Public Law 92-506

JOINT RESOLUTION

October 19, 1972
[S. J. Res. 265]

To provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program.

Whereas Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people and the development of greater opportunities for active and responsible citizenship by young people; and

Whereas Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and their educators; and

Whereas it is a fitting and appropriate tribute to the beloved Senator Ellender to provide in his name an opportunity for participation, by students of limited economic means and by their teachers, in the program supported by the Close Up Foundation: Now, therefore, be it

Allen J. Ellender fellowships.

Grants to Close Up Foundation, Washington, D.C.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Commissioner of Education (hereinafter referred to as the "Commissioner") is authorized to make grants in accordance with the provisions of this joint resolution to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its program of increasing understanding of the Federal Government among secondary school students, their teachers, and the communities they represent.

(b) Grants received under this joint resolution shall be used only for financial assistance to economically disadvantaged students and their teachers who participate in the program described in subsection (a) of this section. Financial assistance received pursuant to this joint resolution by such students and teachers shall be known as Allen J. Ellender fellowships.

Application.

SEC. 2. (a) No grant under this joint resolution may be made except upon an application at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

(b) Each such application shall contain provisions to assure—

(1) that not more than one thousand five hundred fellowship grants are made to economically disadvantaged secondary school students, and to secondary school teachers, in any fiscal year;

(2) that not more than one secondary school teacher in each such school participating in the program may receive a fellowship grant in any fiscal year; and

(3) the proper disbursement of the funds of the United States received under this joint resolution.

Payments.

SEC. 3. (a) Payments under this joint resolution may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

Audit.

(b) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this joint resolution.

"Secondary school."

SEC. 4. For the purpose of this joint resolution, the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education beyond grade twelve.

Appropriation.

SEC. 5. There are authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years to carry out the provisions of this joint resolution.

Approved October 19, 1972.

Public Law 92-507

AN ACT

To amend the Merchant Marine Act, 1936, as amended.

October 19, 1972
[H. R. 9756]

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

Federal Ship Financing Act of 1972.
68 Stat. 1267; 84 Stat. 1035.

SECTION 1. Section 1101 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271), is amended by striking out the entire section and inserting the following:

Definitions.

"SEC. 1101. As used in this title—

"(a) The term 'mortgage' includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel of less than twenty-five gross tons), and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended:

41 Stat. 1000; 49 Stat. 424. 46 USC 922.

"(b) The term 'vessel' includes all types, whether in existence or under construction, of passenger cargo and combination passenger-cargo carrying vessels, tankers, tugs, towboats, barges and dredges which are or will be documented under the laws of the United States, fishing vessels whose ownership will meet the citizenship requirements for documenting vessels in the coastwise trade within the meaning of section 2 of the Shipping Act, 1916, as amended, floating drydocks which have a capacity of thirty-five thousand or more lifting tons and a beam of one hundred and twenty-five feet or more between the wing walls and oceanographic research or instruction or pollution treatment, abatement or control vessels owned by citizens of the United States;

41 Stat. 1008; 73 Stat. 597. 46 USC 802.

"(c) The term 'obligation' shall mean any note, bond, debenture, or other evidence of indebtedness (exclusive of notes or other obligations issued by the Secretary of Commerce pursuant to subsection (d) of section 1105 of this title and obligations eligible for investment of funds under section 1102 and subsection (d) of section 1108 of this title), issued for one of the purposes specified in subsection (a) of section 1104 of this title;

Post, p. 914.
Post, pp. 910, 916.
Post, p. 910.

"(d) The term 'obligor' shall mean any party primarily liable for payment of the principal of or interest on any obligation;

"(e) The term 'obligee' shall mean the holder of an obligation;

"(f) The term 'actual cost' of a vessel as of any specified date means the aggregate, as determined by the Secretary of Commerce, of (i) all amounts paid by or for the account of the obligor on or before that date, and (ii) all amounts which the obligor is then obligated to pay from time to time thereafter, for the construction, reconstruction, or reconditioning of such vessel;

"(g) The term 'depreciated actual cost' of a vessel means the actual cost of the vessel depreciated on a straightline basis over the useful life of the vessel as determined by the Secretary of Commerce, not to exceed twenty-five years from the date the vessel was delivered by the shipbuilder, or, if the vessel has been reconstructed or reconditioned, the actual cost of the vessel depreciated on a straightline basis from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning on the basis of the original useful life of the vessel and from the date of such reconstruction or reconditioning on a straightline basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce, plus all amounts paid or obligated to be paid for the reconstruction or reconditioning depreciated on a straightline basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce; and

"(h) The terms 'construction', 'reconstruction', or 'reconditioning' shall include, but shall not be limited to, designing, inspecting, outfitting, and equipping."

68 Stat. 1268; 73 Stat. 269.

SEC. 2. Section 1102 of the Merchant Marine Act, 1936 (46 U.S.C. 1272) is amended as follows:

(1) By striking from the first sentence thereof the words "Federal Ship Mortgage Insurance Fund (hereinafter referred to as the fund)" and inserting in lieu thereof the words "Federal Ship Financing Fund (hereinafter referred to as the Fund)".

(2) By deleting the word "fund" immediately preceding the words "the sum of $1,000,000" and inserting in lieu thereof the word "Fund".

(3) By deleting the words "Section 1110 (46 U.S.C. 1279)" at the end of the first sentence thereof and inserting in lieu thereof "Section 1107 (46 U.S.C.)".

46 USC 1276a.

(4) By deleting the word "fund" from the last sentence thereof wherever it appears and inserting in lieu thereof the word "Fund".

SEC. 3. Sections 1103 through 1109 of the Merchant Marine Act, 1936 (46 U.S.C. 1273–1278) are amended by striking such sections entirely and inserting in lieu thereof the following:

Obligations, guaranteed payment.

"SEC. 1103. (a) The Secretary of Commerce, upon application by a citizen of the United States, is authorized to guarantee, and to enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation which is eligible to be guaranteed under this title.

Security interest, conveyance.

"(b) No obligation shall be guaranteed under this title unless the obligor conveys or agrees to convey to the Secretary of Commerce such security interest, which may include a mortgage or mortgages on a vessel or vessels, as the Secretary of Commerce may reasonably require to protect the interests of the United States.

Limitation.

"(c) The Secretary of Commerce shall not guarantee the principal of obligations in an amount in excess of 75 per centum, or 87½ per centum, whichever is applicable under section 1104 of this title, of the amount, as determined by the Secretary of Commerce which determination shall be conclusive, paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of a vessel or vessels with respect to which a security interest has been conveyed to the Secretary of Commerce, unless the obligor creates an escrow fund as authorized by section 1108 of this title, in which case the Secretary of Commerce may guarantee 75 per centum or 87½ per centum, whichever is applicable under section 1104 of this title, of the actual cost of such vessel or vessels.

Infra.

Post, p. 916.

"(d) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

Guarantee, validity.

"(e) Any guarantee, or commitment to guarantee, made by the Secretary of Commerce under this title shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee, or commitment to guarantee, so made shall be incontestable.

Limitation.

"(f) The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one time shall not exceed $3,000,000,000.

Eligibility requirements.

"SEC. 1104. (a) Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in—

Supra.

"(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel or vessels owned by citizens of the United States which are designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (C) in foreign trade as defined in section 905 of this Act for purposes of title V of this Act; (D) in the fishing trade or industry; or (E) with respect to floating drydocks, in the construction, reconstruction, reconditioning, or repair of vessels: *Provided, however*, That no guarantee shall be entered into pursuant to this paragraph (a)(1) later than one year after delivery, or redelivery in the case of reconstruction or reconditioning of any such vessel unless the proceeds of the obligation are used to finance the construction, reconstruction, or reconditioning of a vessel or vessels, or facilities or equipment pertaining to marine operations;

52 Stat. 964; 84 Stat. 1034. 46 USC 1244 1151.

Limitation.

"(2) financing the purchase of vessels theretofore acquired by the Fund under the provisions of section 1105 and reconditioning and reconstructing such vessels;

Post, p. 914.

"(3) financing, in whole or in part, the repayment to the United States of any amount of construction-differential subsidy paid with respect to a vessel pursuant to title V of this Act, as amended; or

"(4) refinancing existing obligations issued for one of the purposes specified in (1), (2), or (3) whether or not guaranteed under this title, including, but not limited to, short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time.

"(b) Obligations guaranteed under this title—

"(1) shall have an obligor approved by the Secretary of Commerce as responsible and possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the vessel or vessels which serve as security for the guarantee of the Secretary of Commerce;

"(2) subject to the provisions of paragraph (1) of subsection (c) of this section, shall be in an aggregate principal amount which does not exceed 75 per centum of the actual cost or depreciated actual cost, as determined by the Secretary of Commerce, of the vessel which is used as security for the guarantee of the Secretary of Commerce: *Provided, however*, That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is or would have been eligible for mortgage aid for construction under section 509 of this Act (or would have been eligible for mortgage aid under section 509 of this Act except that the vessel was built with the aid of construction-differential subsidy and said subsidy has been repaid) and in respect of which the minimum downpayment by the mortgagor required by that section would be or would have been 12½ per centum of the cost of such vessel, such obligations may be in an amount which does not exceed 87½ per centum of such actual cost or depreciated actual cost: *Provided, further*, That the obligations which relate to a barge which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which said subsidy has been repaid, may be in an aggregate principal amount which does not exceed 87½ per centum of the actual cost or depreciated actual cost thereof;

Limitations.

Ante, p. 528.

"(3) shall have maturity dates satisfactory to the Secretary of Commerce but, subject to the provisions of paragraph (2) of

Maturity dates.

subsection (c) of this section, not to exceed twenty-five years from the date of the delivery of the vessel which serves as security for the guarantee of the Secretary of Commerce or, if the vessel has been reconstructed or reconditioned, not to exceed the later of (i) twenty-five years from the date of delivery of the vessel and (ii) the remaining years of the useful life of the vessel as determined by the Secretary of Commerce;

"(4) shall provide for payments by the obligor satisfactory to the Secretary of Commerce;

"(5) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such per centum per annum on the unpaid principal as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary of Commerce;

Standards.

"(6) shall provide, or a related agreement shall provide, that if the vessel used as security for the guarantee of the Secretary of Commerce is a delivered vessel, the vessel shall be in class A–1, American Bureau of Shipping, or shall meet such other standards as may be acceptable to the Secretary of Commerce, with all required certificates, including but not limited to, marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, and in all respects fit for service; and

"(7) may provide, or a related agreement may provide, if the vessel used as security for the guarantee of the Secretary of Commerce is a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in title V of this Act, as amended, and if the Secretary of Commerce approves, that the sole recourse against the obligor by the United States for any payments under the guarantee shall be limited to repossession of the vessel and the assignment of insurance claims and that the liability of the obligor for any payments of principal and interest under the guarantee shall be satisfied and discharged by the surrender of the vessel and all right, title, and interest therein to the United States: *Provided*, That the vessel upon surrender shall be (i) free and clear of all liens and encumbrances whatsoever except the security interest conveyed to the Secretary of Commerce under this title, (ii) in class, and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the obligor, except that any deficiencies with respect to freedom from encumbrances, condition and class may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the Secretary of Commerce of claims of the obligor under such policies.

46 USC 1151.

Security.

"(c) (1) The security for the guarantee of an obligation by the Secretary of Commerce under this title may relate to more than one vessel and may consist of any combination of types of security. The aggregate principal amount of obligations which have more than one vessel as security for the guarantee of the Secretary of Commerce under this title may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.

"(2) If the security for the guarantee of an obligation by the Sec-

retary of Commerce under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (b) of this section with respect to any of such vessels: *Provided*, That the Secretary of Commerce may require such payments of principal, prior to maturity, with respect to all related obligations as he deems necessary in order to maintain adequate security for his guarantee.

"(d) No commitment to guarantee an obligation shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the obligation will be executed will be, in his opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources, and no obligation, unless made pursuant to a prior commitment, shall be guaranteed unless the Secretary of Commerce finds, at or prior to the time the guarantee becomes effective, that the property or project with respect to which the obligation is executed will be, in his opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources. Fishing vessels.

"(e) The Secretary of Commerce is authorized to fix a fee for the guarantee of an obligation under this title. If the security for the guarantee of an obligation under this title relates to a delivered vessel, such fee shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this Act. If the security for the guarantee of an obligation under this title relates to a vessel to be constructed, reconstructed, or reconditioned, such fee shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this Act. For purposes of this subsection (e), if the security for the guarantee of an obligation under this title relates both to a delivered vessel or vessels and to a vessel or vessels to be constructed, reconstructed, or reconditioned, the principal amount of such obligation shall be prorated in accordance with regulations prescribed by the Secretary of Commerce. Fee payments shall be made by the obligor to the Secretary of Commerce when moneys are first advanced under a guaranteed obligation and at least sixty days prior to each anniversary date thereafter. All fees shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe. Fee. *Post*, p. 916.

"(f) The Secretary of Commerce shall charge and collect from the obligor such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, for the issuance of commitments, for services in connection with the escrow fund authorized by section 1108 and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided*, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the obligations to be guaranteed. Investigations, charges.

"(g) All moneys received by the Secretary of Commerce under the provisions of sections 1101–1107 of this title shall be deposited in the Fund.

Ante, p. 909.

"(h) Obligations guaranteed under this title and agreements relating thereto shall contain such other provisions with respect to the protection of the security interests of the United States (including acceleration and subrogation provisions and the issuance of notes by the obligor to the Secretary of Commerce), liens and releases of liens, payments of taxes, and such other matters as the Secretary of Commerce may, in his discretion, prescribe.

Default.

"SEC. 1105. (a) In the event of a default, which has continued for thirty days, in any payment by the obligor of principal or interest due under an obligation guaranteed under this title, the obligee or his agent shall have the right to demand, at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than ninety days from the date of such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: *Provided*, That the Secretary of Commerce shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the obligor in the payment of principal or interest or that such default has been remedied prior to any such demand.

"(b) In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary of Commerce, the Secretary of Commerce may notify the obligee or his agent of such default and the obligee or his agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than sixty days from the date of such notice, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.

Security rights.

"(c) In the event of any payment by the Secretary of Commerce under subsection (a) or (b) of this section, the Secretary of Commerce shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary of Commerce shall have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve. The terms of the sale shall be as approved by the Secretary of Commerce.

Cash payments.

"(d) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) or (b) of this section, shall be paid in cash. If at any time the moneys in the Fund authorized by section 1102 of this Act are not sufficient to pay any amount the Secretary of Commerce is required to pay by subsection (a) or (b) of this section, the Secretary of Commerce is authorized to issue to the Secretary

Ante, p. 910.

of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the Fund and redemptions of such notes and obligations shall be made by the Secretary of Commerce from such Fund.

Interest rate.

40 Stat. 288.
31 USC 774.

"(e) In the event of a default under any guaranteed obligation or any related agreement, the Secretary of Commerce shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right, in his discretion, to accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary of Commerce, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event the Secretary of Commerce shall receive through the sale of property an amount of cash in excess of any payment made to an obligee under subsection (a) or (b) and the expenses of collection of such amounts, he shall pay such excess to the obligor.

"SEC. 1106. Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce to be guaranteed, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage relating to an obligation guaranteed by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806(b) of this Act."

Offenses and penalties.

49 Stat. 2014.
46 USC 1228.

Appropriations.
68 Stat. 1276;
73 Stat. 269.

SEC. 4. Section 1110 of the Merchant Marine Act, 1936 (46 U.S.C. 1279), is redesignated "SEC. 1107."

73 Stat. 272.
81 Stat. 580.

SEC. 5. Sections 1111 through 1112 of the Merchant Marine Act, 1936 (46 U.S.C. 1279a; 1279b) are amended by striking such sections and inserting the following in lieu thereof:

Escrow fund.

"SEC. 1108. (a) If the proceeds of an obligation guaranteed under this title are to be used to finance the construction, reconstruction, or reconditioning of a vessel or vessels which will serve as security for the guarantee of the Secretary of Commerce, the Secretary of Commerce is authorized to accept and hold, in escrow under an escrow agreement with the obligor, a portion of the proceeds of all obligations guaranteed under this title whose proceeds are to be so used which is equal to: (i) the excess of the principal amount of all obligations whose proceeds are to be so used over 75 per centum, or 87½ per centum, whichever is applicable under section 1104 of this title, of the amount paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of the vessel or vessels; (ii) with such interest thereon, if any, as the Secretary of Commerce may require: *Provided*, That in the event the security for the guarantee of an obligation by the Secretary of Commerce relates both to a vessel or vessels to be constructed, reconstructed or reconditioned and to a delivered vessel or vessels, the principal amount of such obligation shall be prorated for purposes of this subsection (a) under regulations prescribed by the Secretary of Commerce.

Ante, p. 910.

"(b) The Secretary of Commerce shall, as specified in the escrow agreement, disburse the escrow fund to pay amounts the obligor is obligated to pay as interest on such obligations or for the construction, reconstruction, or reconditioning of the vessel or vessels used as security for the guarantee of the Secretary of Commerce under this title, to redeem such obligations in connection with a refinancing under paragraph (4) of subsection (a) of section 1104 or to pay to the obligor at such times as may be provided for in the escrow agreement any excess interest deposits, except that if payments become due under the guarantee prior to the termination of the escrow agreement, all amounts in the escrow fund at the time such payments become due (including realized income which has not yet been paid to the obligor) shall be paid into the Fund and (i) be credited against any amounts due or to become due to the Secretary of Commerce from the obligor with respect to the guaranteed obligations and (ii) to the extent not so required, be paid to the obligor.

Ante, p. 910.

"(c) If payments under the guarantee have not become due prior to the termination of the escrow agreement, any balance of the escrow fund at the time of such termination shall be disbursed to prepay the excess of the principal of all obligations whose proceeds are to be used to finance the construction, reconstruction, or reconditioning of the vessel or vessels which serve or will serve as security for such guarantee over 75 per centum or 87½ per centum, whichever is applicable under section 1104 of this title, of the actual cost of such vessel or vessels to the extent paid, and to pay interest on such prepaid amount of principal, and the remainder of such balance of the escrow fund shall be paid to the obligor.

"(d) The Secretary of Commerce may invest and reinvest all or any part of the escrow fund in obligations of the United States with such maturities that the escrow fund will be available as required for purposes of the escrow agreement.

"(e) Any income realized on the escrow fund shall, upon receipt, be paid to the obligor.

"(f) The escrow agreement shall contain such other terms as the Secretary of Commerce may consider necessary to protect fully the interests of the United States.

"SEC. 1109. The Secretary of Commerce is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this title."

Rules and regulations.

SEC. 6. Nothing in this Act shall limit or affect the right of an obligor who maintains a capital reserve fund under section 607 of the Merchant Marine Act, 1936, to make deposits of the proceeds of guaranteed obligations into such capital reserve fund as provided in subparagraph (c) of condition (6) of section 1107 of the Merchant Marine Act, 1936, as in effect prior to the effective date of this Act.

Capital reserve fund, deposits.
84 Stat. 1026.
46 USC 1177.
73 Stat. 269; 74 Stat. 216.
46 USC 1276a.

SEC. 7. Any citizen of the United States to whom the Secretary of Commerce issued an approval in principle of an application for loan or mortgage insurance or a commitment with respect to such insurance under the provisions of title XI of the Merchant Marine Act, 1936, prior to the effective date of this Act may elect, with respect to the vessels covered by such approval or commitment, to be bound either by the provisions of title XI of the Merchant Marine Act, 1936, as in effect prior to the effective date of this Act or by the provisions of this Act.

46 USC 1271.

SEC. 8. This Act may be cited as the "Federal Ship Financing Act of 1972."

Short title.

Approved October 19, 1972.

Public Law 92-508

JOINT RESOLUTION

October 19, 1972
[S. J. Res. 236]

To authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to heighten the awareness of the people of the United States with regard to the national threat of drug abuse, and to provide an opportunity for a period of special emphasis on this problem, the President is authorized and requested to issue a proclamation designating the week beginning October 15, 1972, as "National Drug Abuse Prevention Week", and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

National Drug Abuse Prevention Week.
Designation authorization.

Approved October 19, 1972.

Public Law 92-509

JOINT RESOLUTION

October 19, 1972
[S. J. Res. 251]

To designate the week which begins on the first Sunday in March 1973 as "National Beta Club Week".

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 the week which begins on the first Sunday in March 1973 as "National Beta Club Week", to recognize the National Beta Club for its dedication to the positive accomplishments of American youth and to encourage the furthering of its goals to promote honesty, service, and leadership among the high school students in America.

National Beta Club Week.
Designation authorization.

Approved October 19, 1972.

Public Law 92-510

October 19, 1972
[H. R. 10655]

AN ACT

To designate certain lands in the Lassen Volcanic National Park, California, as wilderness.

Lassen Volcanic Wilderness. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), certain lands in the Lassen Volcanic National Park, which comprise about seventy-eight thousand nine hundred and eighty-two acres, and which are depicted on the map entitled "Recommended Wilderness, Lassen Volcanic National Park, California" numbered NP–LV–9013C and dated August 1972, are hereby designated as wilderness. The map and the description of the boundaries of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Map and description, filing with congressional committees.

SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and 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 legal description and map may be made.

Administration.

SEC. 3. The wilderness area designated by this Act shall be known as the "Lassen Volcanic Wilderness" and shall be administered by the Secretary of the Interior 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, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

78 Stat. 890.
16 USC 1131 note.

Reclamation projects, authorization removal.

SEC. 4. Section 1 of the Act of August 9, 1916 (39 Stat. 443; 16 U.S.C. 201) is amended by deleting the words "that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project" and the semicolon appearing thereafter.

Approved October 19, 1972.

Public Law 92-511

October 20, 1972
[H. J. Res. 984]

JOINT RESOLUTION

To amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property.

International Bureau for the Protection of Industrial Property.
Name change.
22 USC 269f.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of July 12, 1960 (74 Stat. 381), as amended by the joint resolution of July 19, 1963 (77 Stat. 82) is hereby further amended by (1) striking out the words "International Bureau for the Protection of Industrial Property" and inserting in lieu thereof the words "International Bureau of Intellectual Property", and (2) in subsection (b) thereof, deleting the phrase ", not to exceed $15,000 annually," and the word "thereafter" and inserting after the word "bureau" the phrase "as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised, except that in no event shall the payment for any year exceed 4.5 per centum of all expenses of the bureau apportioned among countries for that year".

21 UST 1583.

Approved October 20, 1972.

Public Law 92-512

AN ACT

October 20, 1972
[H. R. 14370]

To provide fiscal assistance to State and local governments, to authorize Federal collection of State individual income taxes, and for other purposes.

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

Federal State revenue sharing.

TITLE I—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Subtitle A—Allocation and Payment of Funds

SEC. 101. SHORT TITLE.

Citation of title.

This title may be cited as the "State and Local Fiscal Assistance Act of 1972".

SEC. 102. PAYMENTS TO STATE AND LOCAL GOVERNMENTS.

Except as otherwise provided in this title, the Secretary shall, for each entitlement period, pay out of the Trust Fund to—

(1) each State government a total amount equal to the entitlement of such State government determined under section 107 for such period, and

(2) each unit of local government a total amount equal to the entitlement of such unit determined under section 108 for such period.

In the case of entitlement periods ending after the date of the enactment of this Act, such payments shall be made in installments, but not less often than once for each quarter, and, in the case of quarters ending after September 30, 1972, shall be paid not later than 5 days after the close of each quarter. Such payments for any entitlement period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a State government or a unit of local government to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid.

SEC. 103. USE OF FUNDS BY LOCAL GOVERNMENTS FOR PRIORITY EXPENDITURES.

"Priority expenditures."

(a) IN GENERAL.—Funds received by units of local government under this subtitle may be used only for priority expenditures. For purposes of this title, the term "priority expenditures" means only—

(1) ordinary and necessary maintenance and operating expenses for—

(A) public safety (including law enforcement, fire protection, and building code enforcement),

(B) environmental protection (including sewage disposal, sanitation, and pollution abatement),

(C) public transportation (including transit systems and streets and roads),

(D) health,

(E) recreation,

(F) libraries,

(G) social services for the poor or aged, and

(H) financial administration; and

(2) ordinary and necessary capital expenditures authorized by law.

(b) CERTIFICATES BY LOCAL GOVERNMENTS.—The Secretary is authorized to accept a certification by the chief executive officer of a unit of local government that the unit of local government has used

the funds received by it under this subtitle for an entitlement period only for priority expenditures, unless he determines that such certification is not sufficiently reliable to enable him to carry out his duties under this title.

SEC. 104. PROHIBITION ON USE AS MATCHING FUNDS BY STATE OR LOCAL GOVERNMENTS.

(a) IN GENERAL.—No State government or unit of local government may use, directly or indirectly, any part of the funds it receives under this subtitle as a contribution for the purpose of obtaining Federal funds under any law of the United States which requires such government to make a contribution in order to receive Federal funds.

(b) DETERMINATIONS BY SECRETARY OF THE TREASURY.—If the Secretary has reason to believe that a State government or unit of local government has used funds received under this subtitle in violation of subsection (a), he shall give reasonable notice and opportunity for hearing to such government. If, thereafter, the Secretary of the Treasury determines that such government has used funds in violation of subsection (a), he shall notify such government of his determination and shall request repayment to the United States of an amount equal to the funds so used. To the extent that such government fails to repay such amount, the Secretary shall withhold from subsequent payments to such government under this subtitle an amount equal to the funds so used.

(c) INCREASED STATE OR LOCAL GOVERNMENT REVENUES.—No State government or unit of local government shall be determined to have used funds in violation of subsection (a) with respect to any funds received for any entitlement period to the extent that the net revenues received by it from its own sources during such period exceed the net revenues received by it from its own sources during the one-year period beginning July 1, 1971 (or one-half of such net revenues, in the case of an entitlement period of 6 months).

(d) DEPOSITS AND TRANSFERS TO GENERAL FUND.—Any amount repaid by a State government or unit of local government under subsection (b) shall be deposited in the general fund of the Treasury. An amount equal to the reduction in payments to any State government or unit of local government which results from the application of this section (after any judicial review under section 143) shall be transferred from the Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

Post, p. 935.

(e) CERTIFICATES BY STATE AND LOCAL GOVERNMENTS.—The Secretary is authorized to accept a certification by the Governor of a State or the chief executive officer of a unit of local government that the State government or unit of local government has not used any funds received by it under this subtitle for an entitlement period in violation of subsection (a), unless he determines that such certification is not sufficiently reliable to enable him to carry out his duties under this title.

SEC. 105. CREATION OF TRUST FUND; APPROPRIATIONS.

(a) TRUST FUND.—

(1) IN GENERAL.—There is hereby established on the books of the Treasury of the United States a trust fund to be known as the "State and Local Government Fiscal Assistance Trust Fund" (referred to in this subtitle as the "Trust Fund"). The Trust Fund shall remain available without fiscal year limitation and shall consist of such amounts as may be appropriated to it and deposited in it as provided in subsection (b). Except as provided in this title,

amounts in the Trust Fund may be used only for the payments to State and local governments provided by this subtitle.

(2) TRUSTEE.—The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year. Report to Congress.

(b) APPROPRIATIONS.—

(1) IN GENERAL.—There is appropriated to the Trust Fund, out of amounts in the general fund of the Treasury attributable to the collections of the Federal individual income taxes not otherwise appropriated—

(A) for the period beginning January 1, 1972, and ending June 30, 1972, $2,650,000,000;

(B) for the period beginning July 1, 1972, and ending December 31, 1972, $2,650,000,000;

(C) for the period beginning January 1, 1973, and ending June 30, 1973, $2,987,500,000;

(D) for the fiscal year beginning July 1, 1973, $6,050,000,000;

(E) for the fiscal year beginning July 1, 1974, $6,200,000,000;

(F) for the fiscal year beginning July 1, 1975, $6,350,000,000; and

(G) for the period beginning July 1, 1976, and ending December 31, 1976, $3,325,000,000.

(2) NONCONTIGUOUS STATES ADJUSTMENT AMOUNTS.—There is appropriated to the Trust Fund, out of amounts in the general fund of the Treasury attributable to the collections of the Federal individual income taxes not otherwise appropriated—

(A) for the period beginning January 1, 1972, and ending June 30, 1972, $2,390,000;

(B) for the period beginning July 1, 1972, and ending December 31, 1972, $2,390,000;

(C) for the period beginning January 1, 1973, and ending June 30, 1973, $2,390,000;

(D) for each of the fiscal years beginning July 1, 1973, July 1, 1974, and July 1, 1975, $4,780,000; and

(E) for the period beginning July 1, 1976, and ending December 31, 1976, $2,390,000.

(3) DEPOSITS.—Amounts appropriated by paragraph (1) or (2) for any fiscal year or other period shall be deposited in the Trust Fund on the later of (A) the first day of such year or period, or (B) the day after the date of enactment of this Act.

(c) TRANSFERS FROM TRUST FUND TO GENERAL FUND.—The Secretary shall from time to time transfer from the Trust Fund to the general fund of the Treasury any moneys in the Trust Fund which he determines will not be needed to make payments to State governments and units of local government under this subtitle.

SEC. 106. ALLOCATION AMONG STATES.

(a) IN GENERAL.—There shall be allocated to each State for each entitlement period, out of amounts appropriated under section 105(b)(1) for that entitlement period, an amount which bears the same ratio to the amount appropriated under that section for that period as the amount allocable to that State under subsection (b) bears to the sum of the amounts allocable to all States under subsection (b).

(b) DETERMINATION OF ALLOCABLE AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), the amount allocable to a State under this subsection for any entitlement period shall be determined under paragraph (2), except that such amount shall be determined under paragraph (3) if the amount allocable to it under paragraph (3) is greater than the sum of the amounts allocable to it under paragraph (2) and subsection (c).

(2) THREE FACTOR FORMULA.—For purposes of paragraph (1), the amount allocable to a State under this paragraph for any entitlement period is the amount which bears the same ratio to $5,300,000,000 as—

(A) the population of that State, multiplied by the general tax effort factor of that State, multiplied by the relative income factor of that State, bears to

(B) the sum of the products determined under subparagraph (A) for all States.

(3) FIVE FACTOR FORMULA.—For purposes of paragraph (1), the amount allocable to a State under this paragraph for any entitlement period is the amount to which that State would be entitled if—

(A) ⅓ of $3,500,000,000 were allocated among the States on the basis of population,

(B) ⅓ of $3,500,000,000 were allocated among the States on the basis of urbanized population,

(C) ⅓ of $3,500,000,000 were allocated among the States on the basis of population inversely weighted for per capita income,

(D) ½ of $1,800,000,000 were allocated among the States on the basis of income tax collections, and

(E) ½ of $1,800,000,000 were allocated among the States on the basis of general tax effort.

(c) NONCONTIGUOUS STATES ADJUSTMENT.—

(1) IN GENERAL.—In addition to amounts allocated among the States under subsection (a), there shall be allocated for each entitlement period, out of amounts appropriated under section 105(b)(2), an additional amount to any State (A) whose allocation under subsection (b) is determined by the formula set forth in paragraph (2) of that subsection and (B) in which civilian employees of the United States Government receive an allowance under section 5941 of title 5, United States Code.

80 Stat. 512.

(2) DETERMINATION OF AMOUNT.—The additional amount allocable to any State under this subsection for any entitlement period is an amount equal to a percentage of the amount allocable to that State under subsection (b)(2) for that period which is the same as the percentage of basic pay received by such employees stationed in that State as an allowance under such section 5941. If the total amount appropriated under section 105(b)(2) for any entitlement period is not sufficient to pay in full the additional amounts allocable under this subsection for that period, the Secretary shall reduce proportionately the amounts so allocable.

SEC. 107. ENTITLEMENTS OF STATE GOVERNMENTS.

(a) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—The State government shall be entitled to receive one-third of the amount allocated to that State for each entitlement period. The remaining portion of each State's allocation shall be allocated among the units of local government of that State as provided in section 108.

(b) STATE MUST MAINTAIN TRANSFERS TO LOCAL GOVERNMENTS.—

(1) GENERAL RULE.—The entitlement of any State government for any entitlement period beginning on or after July 1, 1973, shall be reduced by the amount (if any) by which—

(A) the average of the aggregate amounts transferred by the State government (out of its own sources) during such period and the preceding entitlement period to all units of local government in such State, is less than,

(B) the similar aggregate amount for the one-year period beginning July 1, 1971.

For purposes of subparagraph (A), the amount of any reduction in the entitlement of a State government under this subsection for any entitlement period shall, for subsequent entitlement periods, be treated as an amount transferred by the State government (out of its own sources) during such period to units of local government in such State.

(2) ADJUSTMENT WHERE STATE ASSUMES RESPONSIBILITY FOR CATEGORY OF EXPENDITURES.—If the State government establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then, under regulations prescribed by the Secretary, the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent that increased State government spending (out of its own sources) for such category has replaced corresponding amounts which for the one-year period beginning July 1, 1971, it transferred to units of local government.

(3) ADJUSTMENT WHERE NEW TAXING POWERS ARE CONFERRED UPON LOCAL GOVERNMENTS.—If a State establishes to the satisfaction of the Secretary that since June 30, 1972, one or more units of local government within such State have had conferred upon them new taxing authority, then, under regulations prescribed by the Secretary, the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent of the larger of—

(A) an amount equal to the amount of the taxes collected by reason of the exercise of such new taxing authority by such local governments, or

(B) an amount equal to the amount of the loss of revenue to the State by reason of such new taxing authority being conferred on such local governments.

No amount shall be taken into consideration under subparagraph (A) if such new taxing authority is an increase in the authorized rate of tax under a previously authorized kind of tax, unless the State is determined by the Secretary to have decreased a related State tax.

(4) SPECIAL RULE FOR PERIOD BEGINNING JULY 1, 1973.—In the case of the entitlement period beginning July 1, 1973, the preceding entitlement period for purposes of paragraph (1)(A) shall be treated as being the one-year period beginning July 1, 1972.

(5) SPECIAL RULE FOR PERIOD BEGINNING JULY 1, 1976.—In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (1)(A) for the preceding entitlement period and the aggregate amount taken into account under paragraph (1)(B) shall be one-half of the amounts which (but for this paragraph) would be taken into account.

(6) REDUCTION IN ENTITLEMENT.—If the Secretary has reason to believe that paragraph (1) requires a reduction in the entitlement of any State government for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (1) requires the reduction of such entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State government under this subtitle an amount equal to such reduction.

(7) TRANSFER TO GENERAL FUND.—An amount equal to the reduction in the entitlement of any State government which results from the application of this subsection (after any judicial review under section 143) shall be transferred from the Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

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SEC. 108. ENTITLEMENTS OF LOCAL GOVERNMENTS.

(a) ALLOCATION AMONG COUNTY AREAS.—The amount to be allocated to the units of local government within a State for any entitlement period shall be allocated among the county areas located in that State so that each county area will receive an amount which bears the same ratio to the total amount to be allocated to the units of local government within that State as—

(1) the population of that county area, multiplied by the general tax effort factor of that county area, multiplied by the relative income factor of that county area, bears to

(2) the sum of the products determined under paragraph (1) for all county areas within that State.

(b) ALLOCATION TO COUNTY GOVERNMENTS, MUNICIPALITIES, TOWNSHIPS, ETC.—

(1) COUNTY GOVERNMENTS.—The county government shall be allocated that portion of the amount allocated to the county area for the entitlement period under subsection (a) which bears the same ratio to such amount as the adjusted taxes of the county government bear to the adjusted taxes of the county government and all other units of local government located in the county area.

(2) OTHER UNITS OF LOCAL GOVERNMENT.—The amount remaining for allocation within a county area after the application of paragraph (1) shall be allocated among the units of local government (other than the county government and other than township governments) located in that county area so that each unit of local government will receive an amount which bears the same ratio to the total amount to be allocated to all such units as—

(A) the population of that local government, multiplied by the general tax effort factor of that local government, multiplied by the relative income factor of that local government, bears to

(B) the sum of the products determined under subparagraph (A) for all such units.

(3) TOWNSHIP GOVERNMENTS.—If the county area includes one or more township governments, then before applying paragraph (2)—

(A) there shall be set aside for allocation under subparagraph (B) to such township governments that portion of the amount allocated to the county area for the entitlement period which bears the same ratio to such amount as the sum

of the adjusted taxes of all such township governments bears to the aggregate adjusted taxes of the county government, such township governments, and all other units of local government located in the county area, and

(B) that portion of each amount set aside under subparagraph (A) shall be allocated to each township government on the same basis as amounts are allocated to units of local government under paragraph (2).

If this paragraph applies with respect to any county area for any entitlement period, the remaining portion allocated under paragraph (2) to the units of local government located in the county area (other than the county government and the township governments) shall be appropriately reduced to reflect the amounts set aside under subparagraph (A).

(4) INDIAN TRIBES AND ALASKAN NATIVE VILLAGES.—If within a county area there is an Indian tribe or Alaskan native village which has a recognized governing body which performs substantial governmental functions, then before applying paragraph (1) there shall be allocated to such tribe or village a portion of the amount allocated to the county area for the entitlement period which bears the same ratio to such amount as the population of that tribe or village within that county area bears to the population of that county area. If this paragraph applies with respect to any county area for any entitlement period, the amount to be allocated under paragraph (1) shall be appropriately reduced to reflect the amount allocated under the preceding sentence. If the entitlement of any such tribe or village is waived for any entitlement period by the governing body of that tribe or village, then the provisions of this paragraph shall not apply with respect to the amount of such entitlement for such period.

(5) RULE FOR SMALL UNITS OF GOVERNMENT.—If the Secretary determines that in any county area the data available for any entitlement period are not adequate for the application of the formulas set forth in paragraphs (2) and (3)(B) with respect to units of local government (other than a county government) with a population below a number (not more than 500) prescribed for that county area by the Secretary, he may apply paragraph (2) or (3)(B) by allocating for such entitlement period to each such unit located in that county area an amount which bears the same ratio to the total amount to be allocated under paragraph (2) or (3)(B) for such entitlement period as the population of such unit bears to the population of all units of local government in that county area to which allocations are made under such paragraph. If the preceding sentence applies with respect to any county area, the total amount to be allocated under paragraph (2) or (3)(B) to other units of local government in that county area for the entitlement period shall be appropriately reduced to reflect the amounts allocated under the preceding sentence.

(6) ENTITLEMENT.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the entitlement of any unit of local government for any entitlement period shall be the amount allocated to such unit under this subsection (after taking into account any applicable modification under subsection (c)).

(B) MAXIMUM AND MINIMUM PER CAPITA ENTITLEMENT.—Subject to the provisions of subparagraphs (C) and (D), the per capita amount allocated to any county area or any unit of local government (other than a county government) within a

State under this section for any entitlement period shall not be less than 20 percent, nor more than 145 percent, of two-thirds of the amount allocated to the State under section 106, divided by the population of that State.

(C) LIMITATION.—The amount allocated to any unit of local government under this section for any entitlement period shall not exceed 50 percent of the sum of (i) such government's adjusted taxes, and (ii) the intergovernmental transfers of revenue to such government (other than transfers to such government under this subtitle).

(D) ENTITLEMENT LESS THAN $200, OR GOVERNING BODY WAIVES ENTITLEMENT.—If (but for this subparagraph) the entitlement of any unit of local government below the level of the county government—

(i) would be less than $200 for any entitlement period ($100 for an entitlement period of 6 months), or

(ii) is waived for any entitlement period by the governing body of such unit,

then the amount of such entitlement for such period shall (in lieu of being paid to such unit) be added to, and shall become a part of, the entitlement for such period of the county government of the county area in which such unit is located.

(7) ADJUSTMENT OF ENTITLEMENT.—

(A) IN GENERAL.—In adjusting the allocation of any county area or unit of local government, the Secretary shall make any adjustment required under paragraph (6) (B) first, any adustment required under paragraph (6) (C) next, and any adjustment required under paragraph (6) (D) last.

(B) ADJUSTMENT FOR APPLICATION OF MAXIMUM OR MINIMUM PER CAPITA ENTITLEMENT.—The Secretary shall adjust the allocations made under this section to county areas or to units of local governments in any State in order to bring those allocations into compliance with the provisions of paragraph (6) (B). In making such adjustments he shall make any necessary adjustments with respect to county areas before making any necessary adjustments with respect to units of local government.

(C) ADJUSTMENT FOR APPLICATION OF LIMITATION.—In any case in which the amount allocated to a unit of local government is reduced under paragraph (6) (C) by the Secretary, the amount of that reduction—

(i) in the case of a unit of local government (other than a county government), shall be added to and increase the allocation of the county government of the county area in which it is located, unless (on account of the application of paragraph (6)) that county government may not receive it, in which case the amount of the reduction shall be added to and increase the entitlement of the State government of the State in which that unit of local government is located; and

(ii) in the case of a county government, shall be added to and increase the entitlement of the State government of the State in which it is located.

(c) SPECIAL ALLOCATION RULES.—

(1) OPTIONAL FORMULA.—A State may by law provide for the allocation of funds among county areas, or among units of local government (other than county governments), on the basis of the population multiplied by the general tax effort factors of such areas or units of local government, on the basis of the population

multiplied by the relative income factors of such areas or units of local government, or on the basis of a combination of those two factors. Any State which provides by law for such a variation in the allocation formula provided by subsection (a), or by paragraphs (2) and (3) of subsection (b), shall notify the Secretary of such law not later than 30 days before the beginning of the first entitlement period to which such law is to apply. Any such law shall—

(A) provide for allocating 100 percent of the aggregate amount to be allocated under subsection (a), or under paragraphs (2) and (3) of subsection (b);

(B) apply uniformly throughout the State; and

(C) apply during the period beginning on the first day of the first entitlement period to which it applies and ending on December 31, 1976.

(2) CERTIFICATION.—Paragraph (1) shall apply within a State only if the Secretary certifies that the State law complies with the requirements of such paragraph. The Secretary shall not certify any such law with respect to which he receives notification later than 30 days prior to the first entitlement period during which it is to apply.

(d) GOVERNMENTAL DEFINITIONS AND RELATED RULES.—For purposes of this title—

(1) UNITS OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of a county, municipality, township, or other unit of government below the State which is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes). Such term also means, except for purposes of paragraphs (1), (2), (3), (5), (6)(C), and (6)(D) of subsection (b), and, except for purposes of subsection (c), the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions.

(2) CERTAIN AREAS TREATED AS COUNTIES.—In any State in which any unit of local government (other than a county government) constitutes the next level of government below the State government level, then, except as provided in the next sentence, the geographic area of such unit of government shall be treated as a county area (and such unit of government shall be treated as a county government) with respect to that portion of the State's geographic area. In any State in which any county area is not governed by a county government but contains two or more units of local government, such units shall not be treated as county governments and the geographic areas of such units shall not be treated as county areas.

(3) TOWNSHIPS.—The term "township" includes equivalent subdivisions of government having different designations (such as "towns"), and shall be determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes.

(4) UNITS OF LOCAL GOVERNMENT LOCATED IN LARGER ENTITY.—A unit of local government shall be treated as located in a larger entity if part or all of its geographic area is located in the larger entity.

(5) ONLY PART OF UNIT LOCATED IN LARGER ENTITY.—If only part of a unit of local government is located in a larger entity, such part shall be treated for allocation purposes as a separate unit of

local government, and all computations shall, except as otherwise provided in regulations, be made on the basis of the ratio which the estimated population of such part bears to the population of the entirety of such unit.

(6) BOUNDARY CHANGES, GOVERNMENTAL REORGANIZATION, ETC.—If, by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other governmental reorganizations, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this subtitle, the application of such provision shall be made, under regulations prescribed by the Secretary, in a manner which is consistent with such purposes.

SEC. 109. DEFINITIONS AND SPECIAL RULES FOR APPLICATION OF ALLOCATION FORMULAS.

(a) IN GENERAL.—For purposes of this subtitle—

(1) POPULATION.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(2) URBANIZED POPULATION.—Urbanized population means the population of any area consisting of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes.

(3) INCOME.—Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

(4) PERSONAL INCOME.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

(5) DATES FOR DETERMINING ALLOCATIONS AND ENTITLEMENTS.—Except as provided in regulations, the determination of allocations and entitlements for any entitlement period shall be made as of the first day of the third month immediately preceding the beginning of such period.

(6) INTERGOVERNMENTAL TRANSFERS.—The intergovernmental transfers of revenue to any government are the amounts of revenue received by that government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

(7) DATA USED; UNIFORMITY OF DATA.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be.

(B) USE OF ESTIMATES, ETC.—Where the Secretary determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

(b) INCOME TAX AMOUNT OF STATES.—For purposes of this subtitle—

(1) IN GENERAL.—The income tax amount of any State for any entitlement period is the income tax amount of such State as determined under paragraphs (2) and (3).

(2) INCOME TAX AMOUNT.—The income tax amount of any State for any entitlement period is 15 percent of the net amount collected from the State individual income tax of such State during 1972 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(3) CEILING AND FLOOR.—The income tax amount of any State for any entitlement period—

(A) shall not exceed 6 percent, and

(B) shall not be less than 1 percent,

of the Federal individual income tax liabilities attributed to such State for taxable years ending during 1971 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(4) STATE INDIVIDUAL INCOME TAX.—The individual income tax of any State is the tax imposed upon the income of individuals by such State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1954. 78 Stat. 40. 26 USC 164.

(5) FEDERAL INDIVIDUAL INCOME TAX LIABILITIES.—Federal individual income tax liabilities attributed to any State for any period shall be determined on the same basis as such liabilities are determined for such period by the Internal Revenue Service for general statistical purposes.

(c) GENERAL TAX EFFORT OF STATES.—

(1) IN GENERAL.—For purposes of this subtitle—

(A) GENERAL TAX EFFORT FACTOR.—The general tax effort factor of any State for any entitlement period is (i) the net amount collected from the State and local taxes of such State during the most recent reporting year, divided by (ii) the aggregate personal income (as defined in paragraph (4) of subsection (a)) attributed to such State for the same period.

(B) GENERAL TAX EFFORT AMOUNT.—The general tax effort amount of any State for any entitlement period is the amount determined by multiplying—

(i) the net amount collected from the State and local taxes of such State during the most recent reporting year, by

(ii) the general tax effort factor of that State.

(2) STATE AND LOCAL TAXES.—

(A) TAXES TAKEN INTO ACCOUNT.—The State and local taxes taken into account under paragraph (1) are the compulsory contributions exacted by the State (or by any unit of local government or other political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(B) MOST RECENT REPORTING YEAR.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of such period.

(d) GENERAL TAX EFFORT FACTOR OF COUNTY AREA.—For purposes of this subtitle, the general tax effort factor of any county area for any entitlement period is—

(1) the adjusted taxes of the county government plus the ad-

justed taxes of each other unit of local government within that county area, divided by

(2) the aggregate income (as defined in paragraph (3) of subsection (a)) attributed to that county area.

(e) GENERAL TAX EFFORT FACTOR OF UNIT OF LOCAL GOVERNMENT.—For purposes of this subtitle—

(1) IN GENERAL.—The general tax effort factor of any unit of local government for any entitlement period is—

(A) the adjusted taxes of that unit of local government, divided by

(B) the aggregate income (as defined in paragraph (3) of subsection (a)) attributed to that unit of local government.

(2) ADJUSTED TAXES.—

(A) IN GENERAL.—The adjusted taxes of any unit of local government are—

(i) the compulsory contributions exacted by such government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes,

(ii) adjusted (under regulations prescribed by the Secretary) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education.

(B) CERTAIN SALES TAXES COLLECTED BY COUNTIES.—In any case where—

(i) a county government exacts sales taxes within the geographic area of a unit of local government and transfers part or all of such taxes to such unit without specifying the purposes for which such unit may spend the revenues, and

(ii) the Governor of the State notifies the Secretary that the requirements of this subparagraph have been met with respect to such taxes,

then the taxes so transferred shall be treated as the taxes of the unit of local government (and not the taxes of the county government).

(f) RELATIVE INCOME FACTOR.—For purposes of this subtitle, the relative income factor is a fraction—

(1) in the case of a State, the numerator of which is the per capita income of the United States and the denominator of which is the per capita income of that State;

(2) in the case of a county area, the numerator of which is the per capita income of the State in which it is located and the denominator of which is the per capita income of that county area; and

(3) in the case of a unit of local government, the numerator of which is the per capita income of the county area in which it is located and the denominator of which is the per capita income of the geographic area of that unit of local government.

For purposes of this subsection, per capita income shall be determined on the basis of income as defined in paragraph (3) of subsection (a).

(g) ALLOCATION RULES FOR FIVE FACTOR FORMULA.—For purposes of section 106(b)(3)—

(1) ALLOCATION ON BASIS OF POPULATION.—Any allocation among the States on the basis of population shall be made by

allocating to each State an amount which bears the same ratio to the total amount to be allocated as the population of such State bears to the population of all the States.

(2) ALLOCATION ON BASIS OF URBANIZED POPULATION.—Any allocation among the States on the basis of urbanized population shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the urbanized population of such State bears to the urbanized population of all the States.

(3) ALLOCATION ON BASIS OF POPULATION INVERSELY WEIGHTED FOR PER CAPITA INCOME.—Any allocation among the States on the basis of population inversely weighted for per capita income shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as—

(A) the population of such State, multiplied by a fraction the numerator of which is the per capita income of all the States and the denominator of which is the per capita income of such State, bears to

(B) the sum of the products determined under subparagraph (A) for all the States.

(4) ALLOCATION ON BASIS OF INCOME TAX COLLECTIONS.—Any allocation among the States on the basis of income tax collections shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the income tax amount of such State bears to the sum of the income tax amounts of all the States.

(5) ALLOCATION ON BASIS OF GENERAL TAX EFFORT.—Any allocation among the States on the basis of general tax effort shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the general tax effort amount of such State bears to the sum of the general tax effort amounts of all the States.

Subtitle B—Administrative Provisions

SEC. 121. REPORTS ON USE OF FUNDS; PUBLICATION.

(a) REPORTS ON USE OF FUNDS.—Each State government and unit of local government which receives funds under subtitle A shall, after the close of each entitlement period, submit a report to the Secretary setting forth the amounts and purposes for which funds received during such period have been spent or obligated. Such reports shall be in such form and detail and shall be submitted at such time as the Secretary may prescribe.

(b) REPORTS ON PLANNED USE OF FUNDS.—Each State government and unit of local government which expects to receive funds under subtitle A for any entitlement period beginning on or after January 1, 1973, shall submit a report to the Secretary setting forth the amounts and purposes for which it plans to spend or obligate the funds which it expects to receive during such period. Such reports shall be in such form and detail as the Secretary may prescribe and shall be submitted at such time before the beginning of the entitlement period as the Secretary may prescribe.

(c) PUBLICATION AND PUBLICITY OF REPORTS.—Each State government and unit of local government shall have a copy of each report submitted by it under subsection (a) or (b) published in a newspaper which is published within the State and has general circulation within the geographic area of that government. Each State government and unit of local government shall advise the news media of the publication of its reports pursuant to this subsection.

SEC. 122. NONDISCRIMINATION PROVISION.

(a) IN GENERAL.—No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under subtitle A.

(b) AUTHORITY OF SECRETARY.—Whenever the Secretary determines that a State government or unit of local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State (or, in the case of a unit of local government, the Governor of the State in which such unit is located) of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the Governor fails or refuses to secure compliance, the Secretary is authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (3) to take such other action as may be provided by law.

78 Stat. 252.

(c) AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SEC. 123. MISCELLANEOUS PROVISIONS.

(a) ASSURANCES TO THE SECRETARY.—In order to qualify for any payment under subtitle A for any entitlement period beginning on or after January 1, 1973, a State government or unit of local government must establish (in accordance with regulations prescribed by the Secretary, and, with respect to a unit of local government, after an opportunity for review and comment by the Governor of the State in which such unit is located) to the satisfaction of the Secretary that—

(1) it will establish a trust fund in which it will deposit all payments it receives under subtitle A;

(2) it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) during such reasonable period or periods as may be provided in such regulations;

(3) in the case of a unit of local government, it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) only for priority expenditures (as defined in section 103(a)), and will pay over to the Secretary (for deposit in the general fund of the Treasury) an amount equal to 110 percent of any amount expended out of such trust fund in violation of this paragraph, unless such amount is promptly repaid to such trust fund (or the violation is otherwise corrected) after notice and opportunity for corrective action;

(4) it will provide for the expenditure of amounts received under subtitle A only in accordance with the laws and procedures applicable to the expenditure of its own revenues;

(5) it will—

(A) use fiscal, accounting, and audit procedures which conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States),

(B) provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and

the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this title (or, in the case of the Comptroller General, as the Comptroller General may reasonably require for purposes of reviewing compliance and operations under subsection (c)(2)), and

(C) make such annual and interim reports (other than reports required by section 121) to the Secretary as he may reasonably require; Reports.

(6) all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project, 25 percent or more of the costs of which project are paid out of its trust fund established under paragraph (1), 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–276a–5), and that with respect to the labor standards specified in this paragraph the Secretary of Labor shall act in accordance with Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); 49 Stat. 1011. 5 USC app. 63 Stat. 108.

(7) individuals employed by it whose wages are paid in whole or in part out of its trust fund established under paragraph (1) will be paid wages which are not lower than the prevailing rates of pay for persons employed in similar public occupations by the same employer; and

(8) in the case of a unit of local government as defined in the second sentence of section 108(d)(1) (relating to governments of Indian tribes and Alaskan native villages), it will expend funds received by it under subtitle A for the benefit of members of the tribe or village residing in the county area from the allocation of which funds are allocated to it under section 108(b)(4).

Paragraph (7) shall apply with respect to employees in any category only if 25 percent or more of the wages of all employees of the State government or unit of local government in such category are paid from the trust fund established by it under paragraph (1).

(b) WITHHOLDING OF PAYMENTS.—If the Secretary determines that a State government or unit of local government has failed to comply substantially with any provision of subsection (a) or any regulations prescribed thereunder, after giving reasonable notice and opportunity for a hearing to the Governor of the State or the chief executive officer of the unit of local government, he shall notify the State government or unit of local government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it will be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

(c) ACCOUNTING, AUDITING, AND EVALUATION.—

(1) IN GENERAL.—The Secretary shall provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that the expenditures of funds received under subtitle A by State governments and units of local government comply fully with the requirements of this title. The Secretary is authorized to accept an audit by a State of such expenditures of a

State government or unit of local government if he determines that such audit and the audit procedures of that State are sufficiently reliable to enable him to carry out his duties under this title.

(2) COMPTROLLER GENERAL SHALL REVIEW COMPLIANCE.—The Comptroller General of the United States shall make such reviews of the work as done by the Secretary, the State governments, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this title.

Subtitle C—General Provisions

SEC. 141. DEFINITIONS AND SPECIAL RULES.

(a) SECRETARY.—For purposes of this title, the term "Secretary" means the Secretary of the Treasury or his delegate. The term "Secretary of the Treasury" means the Secretary of the Treasury personally, not including any delegate.

(b) ENTITLEMENT PERIOD.—For purposes of this title, the term "entitlement period" means—

(1) The period beginning January 1, 1972, and ending June 30, 1972.

(2) The period beginning July 1, 1972, and ending December 31, 1972.

(3) The period beginning January 1, 1973, and ending June 30, 1973.

(4) The one-year periods beginning on July 1 of 1973, 1974, and 1975.

(5) The period beginning July 1, 1976, and ending December 31, 1976.

(c) DISTRICT OF COLUMBIA.—

(1) TREATMENT AS STATE AND LOCAL GOVERNMENT.—For purposes of this title, the District of Columbia shall be treated both—

(A) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Commissioner of the District of Columbia), and

(B) as a county area which has no units of local government (other than itself) within its geographic area.

(2) REDUCTION IN CASE OF INCOME TAX ON NONRESIDENT INDIVIDUALS.—If there is hereafter enacted a law imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia, then the entitlement of the District of Columbia under subtitle A for any entitlement period shall be reduced by an amount equal to the net collections from such tax during such entitlement period attributable to individuals who are not residents of the District of Columbia. The preceding sentence shall not apply if—

(A) the District of Columbia and Maryland enter into an agreement under which each State agrees to impose a tax on income earned in that State by individuals who are residents of the other State, and the District of Columbia and Virginia enter into an agreement under which each State agrees to impose a tax on income earned in that State by individuals who are residents of the other State, or

(B) the Congress enacts a law directly imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia.

SEC. 142. REGULATIONS.

(a) GENERAL RULE.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this title.

(b) ADMINISTRATIVE PROCEDURE ACT TO APPLY.—The rulemaking provisions of subchapter II of chapter 5 of title 5 of the United States Code shall apply to the regulations prescribed under this title for entitlement periods beginning on or after January 1, 1973.

80 Stat. 381.
5 USC 551.

SEC. 143. JUDICIAL REVIEW.

(a) PETITIONS FOR REVIEW.—Any State which receives a notice of reduction in entitlement under section 107(b), and any State or unit of local government which receives a notice of withholding of payments under section 104(b) or 123(b), may, within 60 days after receiving such notice, file with the United States court of appeals for the circuit in which such State or unit of local government is located a petition for review of the action of the Secretary. A copy of the petition shall forthwith be transmitted to the Secretary; a copy shall also forthwith be transmitted to the Attorney General.

(b) RECORD.—The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

72 Stat. 941;
80 Stat. 1323.

(c) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence contained in the record, shall be conclusive. However, if any finding is not supported by substantial evidence contained in the record, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the court the record of any further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence contained in the record.

(d) REVIEW BY SUPREME COURT.—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.

62 Stat. 928.

SEC. 144. AUTHORITY TO REQUIRE INFORMATION ON INCOME TAX RETURNS.

(a) GENERAL RULE.—

(1) INFORMATION WITH RESPECT TO PLACE OF RESIDENCE.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to income tax returns) is amended by adding at the end thereof the following new section:

68A Stat. 731.
26 USC 6001.

"SEC. 6017A. PLACE OF RESIDENCE.

"In the case of an individual, the information required on any return with respect to the taxes imposed by chapter 1 for any period shall include information as to the State, county, municipality, and any other unit of local government in which the taxpayer (and any other individual with respect to whom an exemption is claimed on such return) resided on one or more dates (determined in the manner provided by regulations prescribed by the Secretary or his delegate) during such period."

26 USC 1.

(2) CLERICAL AMENDMENT.—The table of sections for such subpart B is amended by adding at the end thereof the following:

"Sec. 6017A. Place of residence."

(b) CIVIL PENALTY.—

68A Stat. 828; 85 Stat. 551. 26 USC 6651.

(1) IN GENERAL.—Subchapter B of chapter 68 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"SEC. 6687. FAILURE TO SUPPLY INFORMATION WITH RESPECT TO PLACE OF RESIDENCE.

"(a) CIVIL PENALTY.—If any person fails to include on his return any information required under section 6017A with respect to his place of residence, he shall pay a penalty of $5 for each such failure, unless it is shown that such failure is due to reasonable cause.

"(b) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and chapter 42 taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a)."

26 USC 6211. 26 USC 4940.

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

"Sec. 6687. Failure to supply information with respect to place of residence."

TITLE II—FEDERAL COLLECTION OF STATE INDIVIDUAL INCOME TAXES

SEC. 201. SHORT TITLE.

Citation of title.

This title may be cited as the "Federal-State Tax Collection Act of 1972".

SEC. 202. COLLECTION PROVISIONS.

26 USC 6301.

(a) AMENDMENT OF CHAPTER 64.—Chapter 64 of the Internal Revenue Code of 1954 (relating to collection) is amended by adding at the end thereof the following new subchapter:

"Subchapter E—Collection of State Individual Income Taxes

"Sec. 6361. General rules.
"Sec. 6362. Qualified State individual income taxes.
"Sec. 6363. State agreements; other procedures.
"Sec. 6364. Regulations.
"Sec. 6365. Definitions and special rules.

"SEC. 6361. GENERAL RULES.

"(a) COLLECTION AND ADMINISTRATION.—In the case of any State which has in effect an agreement with the Secretary entered into under section 6363, the Secretary or his delegate shall collect and administer the qualified State individual income taxes of such State. All provisions of this subtitle, subtitle G, and chapter 24 relating to the collection and administration of the taxes imposed by chapter 1 on the incomes of individuals (and all civil and criminal sanctions provided by this subtitle or by title 18 of the United States Code with respect to such collection and administration) shall apply to the collection and administration of qualified State individual income taxes as if such taxes were imposed by chapter 1, except to the extent that their application is modified by the Secretary or his delegate by regulations necessary or appropriate to reflect the provisions of this subchapter, or to reflect differences in the taxes or differences in the situations in which liability for such taxes arises.

26 USC 8001, 3401. 26 USC 1. 18 USC 1 *et seq.*

"(b) CIVIL PROCEEDINGS.—Any person shall have, with respect to a qualified State individual income tax (including the current collection thereof), the same right to bring or contest a civil action and obtain review thereof, in the same court or courts and subject to the

same requirements and procedures, as he would have under chapter 76, and under title 28 of the United States Code, if the tax were imposed by section 1 (or were for the current collection of the tax imposed by section 1). To the extent that the preceding sentence provides judicial procedures (including review procedures) with respect to any matter, such procedures shall replace judicial procedures under State law, except that nothing in this subchapter shall be construed in any way to affect the right or power of a State court to pass on matters involving the constitution of that State.

68A Stat. 873.
26 USC 7401.
28 USC 1 *et seq.*

"(c) TRANSFERS TO STATES.—

"(1) PROMPT TRANSFERS.—Any amount collected under this subchapter which is apportioned to a qualified State individual income tax shall be promptly transferred to the State on the basis of estimates by the Secretary or his delegate. In the case of amounts collected under chapter 24, the estimated amount due the State shall be transferred to the State not later than the close of the third business day after the amount is deposited in a Federal Reserve bank. In the case of amounts collected pursuant to a return, a declaration of estimated tax, an amendment of such a declaration, or otherwise, the estimated amount due the State shall be transferred to the State not later than the close of the 30th day after the amount is received by the Secretary or his delegate.

26 USC 3401.

"(2) ADJUSTMENTS.—Not less often than once each fiscal year the difference between collections (adjusted for credits and refunds) made under this subchapter during the preceding fiscal year and the transfers to the States made on account of estimates of such collections shall be determined, and such difference shall be a charge against, or an addition to, the amounts otherwise payable.

"(d) SPECIAL RULES.—

"(1) UNITED STATES TO REPRESENT STATE INTEREST.—

"(A) GENERAL RULE.—In all administrative proceedings, and in all judicial proceedings (whether civil or criminal), relating to the administration and collection of a State qualified individual income tax the interests of the State imposing such tax shall be represented by the United States in the same manner in which the interests of the United States are represented in corresponding proceedings involving the taxes imposed by chapter 1.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) proceedings in a State court involving the constitution of that State, and

"(ii) proceedings involving the relationship between the United States and the State.

"(2) ALLOCATION OF OVERPAYMENTS AND UNDERPAYMENTS.—If the combined amount collected in respect of a qualified State individual income tax for any period and the taxes imposed by chapter 1 for such period with respect to the income of any individual is greater or less than the combined amount required to be paid for such period, the collected amount shall be divided between the accounts for such taxes on the basis of the respective amounts required to be paid.

"(3) FINALITY OF ADMINISTRATIVE DETERMINATIONS.—Administrative determinations of the Secretary or his delegate as to tax liabilities of, or refunds owing to, individuals with respect to qualified State individual income taxes shall not be reviewed by or enforced by any officer or employee of any State or political subdivision of a State.

"SEC. 6362. QUALIFIED STATE INDIVIDUAL INCOME TAXES.

"(a) QUALIFIED STATE INDIVIDUAL INCOME TAXES DEFINED.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'qualified State individual income tax' means—

"(A) a qualified resident tax, and

"(B) a qualified nonresident tax.

"(2) QUALIFIED RESIDENT TAX.—The term 'qualified resident tax' means a tax imposed by a State on the income of individuals who are residents of such State which is either—

"(A) a tax based on taxable income which meets the requirements of subsection (b), or

"(B) a tax which is a percentage of the Federal tax which meets the requirements of subsection (c),

and which, in addition, meets the requirements of subsections (e) and (f).

"(3) QUALIFIED NONRESIDENT TAX.—The term 'qualified nonresident tax' means a tax which is imposed by a State on the wage and other business income of individuals who are not residents of such State and which meets the requirements of subsections (d), (e), and (f).

"(b) QUALIFIED RESIDENT TAX BASED ON TAXABLE INCOME.—

"(1) IN GENERAL.—A tax meets the requirements of this subsection only if it is imposed on an amount equal to the individual's taxable income (as defined in section 63) for the taxable year, adjusted—

68A Stat. 18.
26 USC 63.

"(A) by subtracting an amount equal to the amount of his interest on obligations of the United States which was included in his gross income for the year,

"(B) by adding an amount equal to his net State income tax deduction for the year, and

"(C) by adding an amount equal to his net tax-exempt income for the year.

"(2) PERMITTED ADJUSTMENTS.—A tax which otherwise meets the requirements of paragraph (1) shall not be deemed to fail to meet such requirements solely because it provides for one or more of the following adjustments:

"(A) There is imposed a tax on the amount taxed under section 56 (relating to the minimum tax for tax preferences).

83 Stat. 580;
85 Stat. 558.

"(B) A credit determined under rules prescribed by the Secretary or his delegate is allowed against such tax for income tax paid to another State or a political subdivision thereof.

"(3) NET STATE INCOME TAX DEDUCTION.—For purposes of this subsection and subsection (c), the term 'net State income tax deduction' means the excess (if any) of (A) the amount deducted from income under section 164(a)(3) as taxes paid to a State or a political subdivision thereof, over (B) amounts included in income as recoveries of prior income taxes paid to a State or a political subdivision thereof which had been deducted under section 164(a)(3).

78 Stat. 40.

"(4) NET TAX-EXEMPT INCOME.—For purposes of this subsection and subsection (c), the term 'net tax-exempt income' means the excess (if any) of—

"(A) the interest on obligations described in section 103(a)(1) other than obligations of the State and its political subdivisions, and

"(B) the interest on obligations described in such section of the State and its political subdivision which under the law of the State is subject to the individual income tax imposed by the State, over

the sum of the amount of deductions allocable to such interest which is disallowed by application of section 265, and the amount of the proper adjustment to basis allocable to such obligations which is required to be made for the taxable year under section 1016(a) (5) or (6). 68A Stat. 78; 78 Stat. 56. 26 USC 256.

"(c) QUALIFIED RESIDENT TAX WHICH IS A PERCENTAGE OF THE FEDERAL TAX.—

"(1) IN GENERAL.—A tax meets the requirements of this subsection only if it is imposed as a specified percentage of the excess of the taxes imposed by chapter 1 over the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable by sections 31 and 39). 26 USC 1. 26 USC 31.

"(2) REQUIRED ADJUSTMENT.—A tax meets the requirements of this subsection only if the liability for tax is decreased by the decrease in such liability which would result from excluding from gross income an amount equal to the interest on obligations of the United States which was included in gross income for such year.

"(3) PERMITTED ADJUSTMENTS.—A tax which otherwise meets the requirements of paragraphs (1) and (2) shall not be deemed to fail to meet such requirements solely because it provides for both of the following adjustments:

"(A) the liability for tax is increased by the increase in such liability which would result from including as an item of gross income an amount equal to the net tax-exempt income for the year, and

"(B) the liability for tax is increased by the increase in such liability which would result from including as an item of gross income an amount equal to the net State income tax deduction for the year.

"(4) FURTHER PERMITTED ADJUSTMENT.—A tax which otherwise meets the requirements of paragraphs (1) and (2) shall not be deemed to fail to meet such requirements solely because a credit determined under rules prescribed by the Secretary or his delegate is allowed against such tax for income tax paid to another State or a political subdivision thereof.

"(d) QUALIFIED NONRESIDENT TAX.—

"(1) IN GENERAL.—A tax imposed by a State meets the requirements of this subsection only if it has the following characteristics—

"(A) such tax is imposed by the State on the wage and other business income of individuals who are not residents of such State,

"(B) such tax applies only with respect to wage and other business income derived from sources within such State,

"(C) such tax applies only if 25 percent or more of the individual's wage and other business income for the taxable year is derived from sources within such State,

"(D) the amount of such tax imposed with respect to any individual who is not a resident does not exceed the amount of tax for which he would be liable under such State's qualified resident tax if he were a resident of such State and if his taxable income were an amount equal to the excess of—

"(i) the amount of his wage and other business income derived from sources within such State, over

"(ii) that portion of the nonbusiness deductions taken into account for purposes of the State's qualified resident tax which bears the same ratio to the amount of such deductions as the income referred to in clause (i) bears to his adjusted gross income, and

"(E) the State has in effect for the same period a qualified resident tax.

"(2) WAGE AND OTHER BUSINESS INCOME.—The term 'wage and other business income' means—

Ante, p. 125.
26 USC 3401.

"(A) wages, as defined in section 3401(a),

"(B) net earnings from self-employment (within the meaning of section 1402(a)), and

68A Stat. 353; 81 Stat. 841.

"(C) the distributive share of income of any trade or business carried on by a trust, estate, or electing small business corporation (within the meaning of section 1371(a)) to the extent such share (i) is includible in the gross income of the individual for the taxable year, and (ii) would constitute net earnings from self-employment (within the meaning of section 1402(a)) if such trade or business were carried on by a partnership.

72 Stat. 1650.

"(e) REQUIREMENTS RELATING TO RESIDENCE.—A tax imposed by a State meets the requirements of this subsection only if for purposes of such tax—

"(1) RESIDENT INDIVIDUAL.—An individual (other than a trust or estate) is treated as a resident of such State with respect to a taxable year only if—

"(A) his principal place of residence has been within such State for a period of at least 135 consecutive days and at least 30 days of such period are in such taxable year, or

"(B) in the case of a citizen or resident of the United States who is not a resident (determined in the manner provided in subparagraph (A)) of any State with respect to such taxable year, such individual is domiciled in such State for at least 30 days during such taxable year.

Nothing in this subchapter shall be construed to require or authorize the treatment of a Senator, Representative, Delegate, or Resident Commissioner as a resident of a State other than the State which he represents in Congress.

"(2) ESTATE.—An estate of an individual is treated as a resident of the last State of which such individual was a resident (within the meaning of paragraph (1)) before his death.

"(3) TRUSTS.—

"(A) TESTAMENTARY TRUST.—A trust with respect to which a deceased individual is the principal contributor by reason of property passing on his death is treated as a resident of the last State of which such individual was a resident (within the meaning of paragraph (1)) before his death.

"(B) NONTESTAMENTARY TRUST.—A trust (other than a trust described in subparagraph (A)) is treated as a resident of such State with respect to a taxable year only if the principal contributor to the trust, during the 3-year period ending on the date of the creation of the trust, resided in the State for an aggregate number of days longer than the aggregate number of days he resided in any other State.

"(C) SPECIAL RULES.—For purposes of this paragraph—

"(i) If on any day before the close of the taxable year an existing trust received assets having a value greater

than the aggregate value of all assets theretofore contributed to the trust, such trust shall be treated as created on such day. For purposes of this subparagraph, the value of any asset taken into account shall be its fair market value on the day it is contributed to the trust.

"(ii) The principal contributor to the trust is the individual who contributed more (in value) of the assets contributed on the date of the creation of the trust (determined after applying clause (i)) than any other individual.

"(iii) If the foregoing rules would create more than one State of residence (or no State of residence) for a trust, such trust shall be treated as a resident of the State determined under similar principles prescribed by the Secretary or his delegate by regulations.

"(4) LIABILITY FOR TAX ON CHANGE OF RESIDENCE.—With respect to a taxable year, in the case of an individual (other than an individual who comes into being or ceases to exist) who becomes a resident, or ceases to be a resident, of the State, his liability to such State for the resident tax is determined by multiplying the amount which would be his liability for tax (after the nonrefundable credits allowed against such tax) if he had been a resident of such State for the entire taxable year by a fraction the numerator of which is the number of days he was a resident of such State and the denominator of which is the total number of days in the taxable year. In the case of an individual who is treated as a resident of a State with respect to a taxable year by reason of paragraph (1)(B), the preceding sentence shall be applied by substituting days of domicile for days of residence.

"(5) CURRENT COLLECTION OF TAX.—In applying chapter 24 (relating to witholding) and section 6015 and other provisions relating to declarations of estimated income (and amendments thereto)— 69 Stat. 616. 26 USC 3401. 68A Stat. 737; 85 Stat. 517.

"(A) in the case of a resident tax, an individual is treated as subject to the tax if he reasonably expects to reside in the State for 30 days or more or if such individual is a resident of the State (within the meaning of paragraph (1), (2), or (3)), and

"(B) in the case of a nonresident tax, an individual is treated as subject to the tax if he reasonably expects to receive wage and other business income (within the meaning of subsection (d)(2)) for 30 days or more during the taxable year.

"(f) ADDITIONAL REQUIREMENTS.—A tax imposed by a State shall meet the requirements of this subsection only if—

"(1) STATE AGREEMENT MUST BE IN EFFECT FOR PERIOD CONCERNED.—A State agreement entered into under section 6363 is in effect with respect to such tax for the taxable period in question. *Post*, p. 942.

"(2) STATE LAWS MUST CONTAIN CERTAIN PROVISIONS.—Under the laws of such State—

"(A) the provisions of this subchapter (and of the regulations prescribed thereunder) as in effect from time to time are made applicable for the period for which the State agreement is in effect, and

"(B) any change made by the State in the tax imposed by the State will not apply to taxable years beginning in any calendar year for which the State agreement is in effect unless such change is enacted before November 1 of such calendar year.

"(3) STATE LAWS TAXING INCOME OF INDIVIDUALS CAN ONLY BE OF CERTAIN KINDS.—The State does not impose any tax on the income of individuals other than—

"(A) a qualified resident tax,

"(B) a qualified nonresident tax, and

"(C) a separate tax on income which is not wage and other business income and which is received or accrued by individuals who are domiciled in the State but who are not residents of the State within the meaning of subsection (e)(1).

"(4) TAXABLE YEARS MUST COINCIDE.—The taxable years of individuals under such tax coincide with taxable years for purposes of the taxes imposed by chapter 1.

68A Stat. 3.
26 USC 1.

"(5) MARRIED INDIVIDUALS.—A married individual (within the meaning of section 143)—

83 Stat. 677.
26 USC 143.

"(A) who files a joint return for purposes of the taxes imposed by chapter 1 shall not file a separate return for purposes of such State tax, and

"(B) who files a separate return for purposes of the taxes imposed by chapter 1, shall not file a joint return for purposes of such State tax.

"(6) NO DOUBLE JEOPARDY UNDER STATE LAW.—The laws of such State do not provide criminal or civil sanctions for an act (or omission to act) with respect to a qualified resident tax or qualified nonresident tax other than the criminal or civil sanctions to which an individual is subjected by reason of section 6361.

Ante, p. 936.

"(7) PARTNERSHIPS, TRUSTS, SUBCHAPTER S CORPORATIONS, AND OTHER CONDUIT ENTITIES.—Under the State law the tax treatment of—

"(A) partnerships and partners,

"(B) trusts and their beneficiaries,

"(C) estates and their beneficiaries,

"(D) electing small business corporations (within the meaning of section 1371(a)) and their shareholders, and

72 Stat. 1650.

"(E) any other entity and the individuals having beneficial interests therein, to the extent that such entity is treated as a conduit for purposes of the taxes imposed by chapter 1,

shall correspond to the tax treatment provided therefor in the case of the taxes imposed by chapter 1.

"(8) MEMBERS OF ARMED FORCES.—The relief provided to any member of the Armed Forces of the United States by section 514 of the Soldiers' and Sailors' Civil Relief Act (50 U.S.C. App. sec. 574) is in no way diminished.

58 Stat. 722;
76 Stat. 768.

"(9) WITHHOLDING ON COMPENSATION OF EMPLOYEES OF RAILROADS, MOTOR CARRIERS, AIRLINES, AND WATER CARRIERS.—There is no contravention of the provisions of section 26, 226A, or 324 of the Interstate Commerce Act or of section 1112 of the Federal Aviation Act of 1958 with respect to the withholding of compensation to which such sections apply for purposes of the nonresident tax.

84 Stat. 1499.
49 USC 26a, 325a, 922b.
49 USC 1512.

"SEC. 6363. STATE AGREEMENTS; OTHER PROCEDURES.

"(a) STATE AGREEMENT.—If a State elects to enter into an agreement with the United States to have its individual income taxes collected and administered as provided in this subchapter, it shall file notice of such election in such manner and with such supporting information as the Secretary or his delegate may prescribe by regulations. The Secretary shall enter into an agreement with such State unless the Secretary notifies the Governor of the State within 90 days

after the date of the filing of the notice of the election that the State does not have a qualified State individual income tax (determined without regard to section 6362(f)(1)). The provisions of this subchapter shall apply on and after the date (not earlier than the first January 1 which is more than 6 months after the date of the notice) specified for this purpose in the agreement.

Ante, p. 938.

"(b) WITHDRAWAL.—

"(1) BY NOTIFICATION.—If a State wishes to withdraw from the agreement, it shall notify the Secretary or his delegate of its intention to withdraw in such manner as the Secretary or his delegate may prescribe by regulations. The provisions of this subchapter (other than this section) shall not apply on or after the date specified for this purpose in the notification. Except as provided in regulations, the date so specified shall not be earlier than the first January 1 which is more than 6 months after the date on which the Secretary or his delegate is so notified.

"(2) BY CHANGE IN STATE LAW.—Any change in State law which would (but for this subchapter) have the effect of causing a tax to cease to be a qualified State individual income tax shall be treated as an intention to withdraw from the agreement. Notification by the Secretary to the Governor of such State that the change in State law will be treated as an intention to withdraw shall be made by the Secretary in such manner as the Secretary or his delegate shall by regulations prescribe. Such notification shall have the same effect as a notice under paragraph (1) of an intention to withdraw from the agreement received on the effective date of the change in State law.

"(c) TRANSITION YEARS.—

"(1) SUBCHAPTER CEASES TO APPLY DURING TAXPAYER'S YEAR.—If the provisions of this subchapter cease to apply on a day other than the last day of the taxpayer's taxable year, then amounts previously paid to the United States on account of the State's qualified individual income tax for that taxable year (whether paid by withholding, estimated tax, credit in lieu of refund, or otherwise) shall be treated as having been paid on account of the State's individual income tax law for that taxable year. Such amounts shall be transferred to the State as though the State had not withdrawn from the agreement. Returns, applications, elections, and other forms previously filed with the Secretary or his delegate for that taxable year, which are thereafter required to be filed with the appropriate State official shall be treated as having been filed with the appropriate State official.

"(2) PREVENTION OF UNINTENDED HARDSHIPS OR BENEFITS.—The State may by law provide for the transition to a qualified State individual income tax or from such a tax to the extent necessary to prevent double taxation or other unintended hardships, or to prevent unintended benefits, under State law.

"(3) ADMINISTRATION OF SUBSECTION.—The provisions of this subsection shall be administered by the Secretary or his delegate, by the State, or jointly, to the extent provided in regulations prescribed by the Secretary or his delegate.

"(d) JUDICIAL REVIEW.—

"(1) IN GENERAL.—Whenever under this section the Secretary or his delegate determines that a State does not have a qualified State individual income tax, such State may, within 60 days after the Governor of the State has been notified of such action, file with the United States court of appeals for the circuit in which such State is located, or with the United States Court of Appeals for the District of Columbia, a petition for review of such action.

A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary or his delegate 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.

72 Stat. 941; 80 Stat. 1323.

"(2) JURISDICTION OF COURT; REVIEW.—The court shall have jurisdiction to affirm the action of the Secretary or his delegate or to set it aside in whole or in part and to issue such other orders as may be appropriate with regard to taxable years which include any part of the period of litigation. 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.

62 Stat. 928.

"(3) STAY OF DECISION.—

"(A) If judgment on a petition to review a determination under subsection (a) includes a determination that the State has a qualified State individual income tax, then the provisions of this subchapter shall apply on and after the first January 1 which is more than 6 months after the date of the judgment.

"(B) If judgment on a petition to review a determination by the Secretary under subsection (b)(2) includes a determination that the State does not have a qualified State individual income tax, then the provisions of this subchapter (other than this section) shall not apply on and after the first January 1 which is more than 6 months after the date of the judgment.

"(4) PREFERENCE.—Any judicial proceedings under this section shall be entitled to, and, upon request of the Secretary or the State, shall receive a preference and shall be heard and determined as expeditiously as possible.

"SEC. 6364. REGULATIONS.

"The Secretary or his delegate shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subchapter.

"SEC. 6365. DEFINITIONS AND SPECIAL RULES.

"(a) STATE.—For purposes of this subchapter, the term 'State' includes the District of Columbia.

"(b) GOVERNOR.—For purposes of this subchapter, the term 'Governor' includes the Commissioner of the District of Columbia.

"(c) APPLICATION OF SUBCHAPTER.—Whenever this subchapter begins to apply, or ceases to apply, to any State tax on any January 1—

"(1) except as provided in paragraph (2), such change shall apply to taxable years beginning on or after such date, and

69 Stat. 616. 26 USC 3401.

"(2) for purposes of chapter 24, such change shall apply to wages paid on or after such date."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 64 of such Code is amended by adding at the end thereof the following:

"SUBCHAPTER E. Collection of State individual income taxes."

SEC. 203. CONFORMING AMENDMENTS.

(a) LARGE REFUNDS.—Section 6405 of the Internal Revenue Code of 1954 (relating to reports of refunds and credits) is amended by adding at the end thereof the following new subsection:

Ante, p. 657.

"(e) QUALIFIED STATE INDIVIDUAL INCOME TAXES.—For purposes of this section, a refund or credit made under subchapter E of chapter 64 (relating to Federal collection of qualified State individual income

Ante, p. 936.

taxes) for a taxable year shall be treated as a portion of a refund or credit of the income tax for that taxable year."

(b) TAX COURT SMALL CLAIMS.—

(1) Section 7463 of such code (relating to disputes involving $1,000 or less) is amended by adding at the end thereof the following new subsection: 83 Stat. 733. 26 USC 7463.

"(f) QUALIFIED STATE INDIVIDUAL INCOME TAXES.—For purposes of this section, a deficiency placed in dispute or claimed overpayment with regard to a qualified State individual income tax to which subchapter E of chapter 64 applies, for a taxable year, shall be treated as a portion of a deficiency placed in dispute or claimed overpayment of the income tax for that taxable year." *Ante*, p. 936.

(2) Section 7463 of such Code is amended by striking out "$1,000" in the heading and each place it appears in subsection (a) thereof and inserting in lieu thereof "$1,500".

(3) The table of sections for part II of subchapter C of chapter 76 of such Code is amended by striking out "$1,000" in the item relating to section 7463 and inserting in lieu thereof "$1,500".

SEC. 204. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsections (b) and (c), the provisions of this title (and the amendments made thereby) shall take effect on the date of the enactment of this Act.

(b) COLLECTION AND ADMINISTRATION OF STATE TAXES BY THE UNITED STATES MAY NOT BEGIN BEFORE JANUARY 1, 1974.—Section 6361 of the Internal Revenue Code of 1954 (as added by section 202(a) of this Act) shall take effect on whichever of the following is the later:

(1) January 1, 1974, or

(2) the first January 1 which is more than one year after the first date on which at least 2 States having residents who in the aggregate filed 5 percent or more of the Federal individual income tax returns filed during 1972 have notified the Secretary of the Treasury or his delegate of an election to enter into an agreement under section 6363 of such Code. *Ante*, p. 942.

(c) JURISDICTION OF TAX COURT IN DISPUTES INVOLVING $1,500 OR LESS.—The amendments made by paragraphs (2) and (3) of section 203(b) of this Act shall take effect on January 1, 1974. Effective date.

TITLE III—LIMITATION ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

SEC. 301. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section: 49 Stat. 647; 81 Stat. 920. 42 USC 1301.

"LIMITATION ON FUNDS FOR CERTAIN SOCIAL SERVICES

"SEC. 1130. (a) Notwithstanding the provisions of section 3(a) (4) and (5), 403(a)(3), 1003(a)(3) and (4), 1403(a)(3) and (4), or 1603 (a) (4) and (5), amounts payable for any fiscal year (commencing with the fiscal year beginning July 1, 1972) under such section (as determined without regard to this section) to any State with respect to expenditures made after June 30, 1972, for services referred to in such section (other than the services provided pursuant to section 402(a)(19)(G)), shall be reduced by such amounts as may be necessary to assure that— 42 USC 303, 603, 1203, 1353, 1383. 42 USC 602.

"(1) the total amount paid to such State (under all of such sections) for such fiscal year for such services does not exceed the allotment of such State (as determined under subsection (b)); and

"(2) of the amounts paid (under all of such sections) to such State for such fiscal year with respect to such expenditures, other than expenditures for—

"(A) services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (i) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (ii) because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child;

"(B) family planning services;

"(C) services provided to a mentally retarded individual (whether a child or an adult), but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such individual by reason of his condition of being mentally retarded;

"(D) services provided to an individual who is a drug addict or an alcoholic, but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

"(E) services provided to a child who is under foster care in a foster family home (as defined in section 408) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such child because he is under foster care,

75 Stat. 76.
42 USC 608.

not more than 10 per centum thereof are paid with respect to expenditures incurred in providing services to individuals who are not recipients of aid or assistance (under State plans approved under titles I, X, XIV, XVI, or part A of title IV), or applicants (as defined under regulations of the Secretary) for such aid or assistance.

42 USC 301, 1201, 1351, 1381. 601.

State allotment.

"(b)(1) For each fiscal year (commencing with the fiscal year beginning July 1, 1972) the Secretary shall allot to each State an amount which bears the same ratio to $2,500,000,000 as the population of such State bears to the population of all the States.

"(2) The allotment for each State shall be promulgated for each fiscal year by the Secretary between July 1 and August 31 of the calendar year immediately preceding such fiscal year on the basis of the population of each State and of all of the States as determined from the most recent satisfactory data available from the Department of Commerce at such time; except that the allotment for each State for the fiscal year beginning July 1, 1972, and the following fiscal year shall be promulgated at the earliest practicable date after the enactment of this section but not later than January 1, 1973.

"State".

"(c) For purposes of this section, the term 'State' means any one of the fifty States or the District of Columbia."

(b) Sections 3(a)(4)(E), 403(a)(3)(D), 1003(a)(3)(E), 1403(a)(3)(E), and 1603(a)(4)(E) of such Act are amended by striking out "subject to limitations" and inserting in lieu thereof "under conditions which shall be".

42 USC 303, 603, 1203, 1353, 1383.

(c) Section 403(a)(5) of such Act is amended to read as follows: 81 Stat. 893. 42 USC 603.
"(5) in the case of any State, an amount equal to 50 per centum of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children."

(d) Sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a), of such Act are amended, in the matter preceding paragraph (1) of each such section, by striking out "shall pay" and inserting in lieu thereof "shall (subject to section 1130) pay". 42 USC 303, 1203, 1353, 1383. *Ante*, p. 945.

(e) The amendments made by this section (other than by subsection (b)) shall be effective July 1, 1972, and the amendments made by subsection (b) shall be effective January 1, 1973. Effective dates.

Approved October 20, 1972.

Public Law 92-513

AN ACT

October 20, 1972
[S. 976]

To promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, 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 "Motor Vehicle Information and Cost Savings Act". Motor Vehicle Information and Cost Savings Act.

DEFINITIONS

SEC. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except (A) a motorcycle or (B) a truck not designed primarily to carry its operator or passengers.

(2) The term "multipurpose passenger vehicle" means a passenger motor vehicle which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means (A) any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to a passenger motor vehicle, or (B) a towing device.

(4) The term "towing device" means any device manufactured or sold for use in towing a passenger motor vehicle.

(5) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(6) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from (i) a low-speed collision (including but not limited to a low-speed collision

with a fixed barrier) or (ii) from the towing of such vehicle, or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged (i) in such a collision or (ii) as a result of being towed; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle when so damaged.

(7) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(8) The term "make" when used in describing a passenger motor vehicle means the trade name of the manufacturer of that vehicle.

(9) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(10) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment.

(11) The term "Secretary" means the Secretary of Transportation.

(12) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(13) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a motor vehicle accident.

(14) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a motor vehicle accident.

(15) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(16) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(17) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(18) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) Subject to subsections (b) through (e) of this section, the Secretary by rule—

(1) shall promulgate bumper standards applicable to all passenger motor vehicles manufactured in or imported into the United States, and

(2) may promulgate bumper standards applicable to any item of passenger motor vehicle equipment so manufactured or imported,

except that such a rule shall not apply to any vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

(b) (1) Any standard under subsection (a) shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(A) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(B) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(C) savings in terms of consumer time and inconvenience; and

(D) considerations of health and safety, including emission standards.

(2) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.). 80 Stat. 718; 82 Stat. 72.

(c) (1) In promulgating any bumper standard under this title the Secretary may for good cause shown— Exemptions.

(A) exempt partially or completely any multipurpose passenger motor vehicle; or

(B) exempt partially or completely any make, model, or class of passenger motor vehicle manufactured for a special use, if such standard would unreasonably interfere with the special use of such vehicle.

(2) To the maximum extent practicable, a bumper standard promulgated by the Secretary shall not preclude the attachment of detachable hitches.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be— Effective date.

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

Rulemaking.

(e)(1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

80 Stat. 383.

Hearing.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or 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 the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

72 Stat. 941; 80 Stat. 1323.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, 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.

80 Stat. 392. 5 USC 701.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule 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.

62 Stat. 928.

(e) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold

such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) 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.

Confidential information, disclosure.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

62 Stat. 791.

(c)(1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

Personnel detail.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

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INSPECTION AND CERTIFICATION

Test vehicles, availability, cost limitation.

SEC. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and maintain such records, make such reports, and provide such items and information (including the supplying of vehicles or equipment for testing) as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe. Vehicles and equipment for testing shall be made available under this subsection at a negotiated price that does not exceed the manufacturer's cost.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

Compliance certification.

(c)(1) Every manufacturer or distributor of a passenger motor vehicle subject to a Federal bumper standard under this title, or an item of passenger motor vehicle equipment subject to such a standard, shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to applicable Federal bumper standards. The Secretary is authorized to issue rules prescribing the manner and form of such certification.

Exports, nonapplicability.

(2) Paragraph (1) of this subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

PROHIBITED ACTS

SEC. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to comply with any rule prescribed by the Secretary under this title;

(3) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(4) (A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

Exemptions.

(b)(1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who, prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

Noncomforming imports, treatment.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicle or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

Civil penalties.

SEC. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed $1,000 for each violation. Such penalty shall be assessed by the Secretary and collected in a civil action

brought by the Attorney General or by the Secretary (with the concurrence of the Attorney General) by any of the Secretary's attorneys designated by the Secretary for such purpose. With respect to violations of paragraph (1) or (4) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed $800,000 for any related series of violations.

(b)(1) Any person who knowingly and willfully violates section 106(a)(1) after having received notice of noncompliance from the Secretary shall be fined not more than $50,000 or be imprisoned not more than one year, or both.

(2) If a corporation violates section 106(a)(1) after having received notice of noncompliance from the Secretary, any individual director, officer, or agent of such corporation who knowingly and willfully authorized, ordered, or performed any of the acts or practices constituting in whole or in part such violation and who had knowledge of such notice from the Secretary shall be subject to penalties under this section in addition to the corporation.

U.S. district courts, jurisdiction.

(c)(1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injuctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

28 USC app.

Notice, hearing opportunity.

Criminal contempt proceedings.

(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

18 USC app.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

SEC. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because such vehicle did not comply with any applicable Federal bumper standard under this title may bring a civil action against the manufacturer of that vehicle in the United States District Court for the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of those damages, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date of the motor vehicle accident. Statute of limitation.

PUBLIC ACCESS TO INFORMATION

SEC. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b) (1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, neither this Act nor the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.) shall affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment, which is not in conflict with any Federal standard promulgated under title 1 of the National Traffic and Motor Vehicle Safety Act of 1966, and which was in effect or had been promulgated on the date of enactment of this Act. 80 Stat. 718. 15 USC 1381 note.

(2) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance. Government-owned vehicles, standards.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administra-

tion of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such vehicles.

(3) The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

Dissemination.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

Insurance premium rate comparisons.

(e) The Secretary, not later than February 1, 1975, shall by rule establish procedures requiring automobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealer which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

80 Stat. 378.
5 USC 101 *et seq.*
5 USC 5101, 5331.

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

80 Stat. 416.

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services,

such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with and advice to the Secretary.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place 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 the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

80 Stat. 499; 83 Stat. 190.

76 Stat. 1119; 78 Stat. 203; 80 Stat. 249.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

18 USC 201.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

Personnel detail.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Confidential information, disclosure.

62 Stat. 791.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse (1) to furnish the Secretary with the data or information requested by him under this title, or (2) to comply with rules prescribed by the Secretary under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107. 28 USC app.

CIVIL PENALTY

SEC. 208. (a) Whoever violates section 206 shall be subject to a civil penalty of not to exceed $1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed $400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

Grants to States.

(1) make grants in accordance with subsection (c) and furnish technical assistance to States; and

(2) consult with the Administrator of the Environmental Protection Agency.

(c) (1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform diagnostic inspection services for profit under any such program.

Limitation.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

Safety and emission inspections.

(b) (1) A motor vehicle diagnostic inspection demonstration project shall be designed, established, and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration project (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder

inspection and repair, the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed, in any such project and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement. Limitation.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title $15,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $35,000,000 for the fiscal year ending June 30, 1975. Not more than 20 percent of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while

in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

True mileage driven.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OR REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. (a) Not later than 90 days after the date of enactment of this Act, the Secretary shall prescribe rules requiring any transferor to give the following written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unkown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

Such rules shall prescribe the manner in which information shall be disclosed under this section and in which such information shall be retained.

False statement.

(b) It shall be a violation of this section for any transferor to violate any rules under this section or to knowingly give a false statement to a transferee in making any disclosure required by such rules.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court.

Statute of limitation.

(b) An action to enforce any liability created under subsection (a) of this section, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

28 USC app.

Notice, hearing opportunity.

(b) Paragraphs (3) and (4) of section 107(b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws,

except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

EFFECTIVE DATE

SEC. 412. This title (other than section 408(a)) shall take effect ninety calendar days following the date of enactment of this Act. Section 408(a) shall take effect on the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

Approved October 20, 1972.

Public Law 92-514

October 20, 1972
[S. 520]

AN ACT

To authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes.

Reclamation Project Authorization Act of 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Reclamation Project Authorization Act of 1972.

TITLE I

CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT, COLORADO

SEC. 101. The Secretary of the Interior is authorized to construct, operate, and maintain the closed basin division, San Luis Valley project, Colorado, including channel rectification of the Rio Grande between the uppermost point of discharge into the river of waters salvaged by the project, and the Colorado-New Mexico State line, so as to provide for the carriage of water so salvaged without flooding of surrounding lands, to minimize losses of waters through evaporation, transpiration, and seepage, and to provide a conduit for the reception of waters salvaged by drainage projects undertaken in the San Luis Valley below Alamosa, Colorado, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), and as otherwise provided in this Act, for the principal purposes of salvaging, regulating, and furnishing water from the closed basin area of Colorado; transporting such water into the Rio Grande; making water available for fulfilling the United States obligation to the United States of Mexico in accordance with the treaty dated May 21, 1906 (34 Stat. 2953); furnishing irrigation water, industrial water, and municipal water supplies to water deficient areas of Colorado, New Mexico, and Texas through direct diversion and exchange of water; establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of the Mishak National Wildlife Refuge and the Alamosa National Wildlife Refuge and for conservation and development of other fish and wildlife resources; providing outdoor recreational opportunities; augmenting the flow of the Rio Grande; and other useful purposes, in substantial accordance with the engineering plans set out in the report of the Secretary of the Interior on this project: *Provided*, That no wells of the project, other than observation wells, shall be permitted to penetrate the aquiclude, or first confining clay layer.

43 USC 371 note.

(b) Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will best serve project requirements and meet water needs: *Provided*, That construction of each of the successive units or stages after stage 1 of said project shall be undertaken only with the consent of the Colorado Water Conservation Board and the Rio Grande Water Conservation District of the State of Colorado.

(c) The closed basin division, San Luis Valley project, Colorado, shall be operated in such manner that the delivery of water to the river and return flows of water will not cause the Rio Grande system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

33 USC 1151 note.

Control system.

SEC. 102. (a) Prior to commencement of construction of any part of the project, except channel rectification, there shall be incorporated into the project plans a control system of observation wells, which shall be designed to provide positive identification of any fluctuations

in the water table of the area surrounding the project attributable to operation of the project or any part thereof. Such control system, or so much thereof as is necessary to provide such positive identification with respect to any stage of the project, shall be installed concurrently with such stage of the project.

Water table.

(b) The Secretary shall operate project facilities in a manner that will not cause the water table available for any irrigation or domestic wells in existence prior to the construction of the project to drop more than two feet and in a manner that will not cause reduction of artesian flows in existence prior to the construction of the project.

Committee, establishment.

SEC. 103. There is hereby established an operating committee consisting of one member appointed by the Secretary, one member appointed by the Colorado Water Conservation Board, and one member appointed by the Rio Grande Water Conservation District, which is authorized to determine from time to time whether the requirements of section 102 of this Act are being complied with. The committee shall inform the Secretary if the operation of the project fails to meet the requirements of section 102 or adversely affects the beneficial use of water in the Rio Grande Basin in Colorado as defined in article I(c) of the Rio Grande compact (53 Stat. 785). Upon receipt of such information the Secretary shall modify, curtail, or suspend operation of the project to the extent necessary to comply with such requirements or eliminate such adverse effect.

SEC. 104. (a) Except as hereinafter provided, project costs shall be nonreimbursable.

Water delivery.

(b) After the project or any phase thereof has been constructed and is operational, the Secretary shall make water available in the following listed order of priority:

Gaging station, Labatos, Colo.

(1) To assist in making the annual delivery of water at the gaging station on the Rio Grande near Lobatos, Colorado, as required by article III of the Rio Grande compact: *Provided*, That the total amount of water delivered for this purpose shall not exceed an aggregate of six hundred thousand acre-feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of January next succeeding the year in which the Secretary determined that the project authorized by this Act is operational.

Alamosa and Mishak National Wildlife Refuges.

(2) To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge: *Provided*, That the amount of water delivered to the Alamosa National Wildlife Refuge shall not exceed five thousand three hundred acre-feet annually, and the water delivered to the Mishak National Wildlife Refuge shall not exceed twelve thousand five hundred acre-feet annually.

(3) To apply to the reduction and elimination of any accumulated deficit in deliveries by Colorado as is determined to exist by the Rio Grande Compact Commission under article VI of the Rio Grande compact at the end of the compact water years in which the Secretary first determines the project to be operational.

(4) For irrigation or other beneficial uses in Colorado: *Provided*, That no water shall be delivered until agreements between the United States and water users in Colorado, or the Rio Grande Water Conservation District acting for them, have been executed providing for the repayment of such costs as in the opinion of the Secretary are appropriate and within the ability of the users to pay.

Easements, rights-of-way.

SEC. 105. Construction of the project shall not be started until the State of Colorado agrees that it will, as its participation in the project, convey to the United States easements and rights-of-way over lands owned by the State that are needed for wells, channels, laterals, and

Land acquisition.

wildlife refuge areas, as identified in the project plan. Acquisition of privately owned land shall, where possible and consistent with the development of the project, be restricted to easements and rights-of-way in order to minimize the removal of land from local tax rolls.

Fish and wildlife resources.

SEC. 106. Conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the closed basin division of the San Luis Valley project works authorized by this Act shall be accordance with the provisions of the Federal Water Project Recreation Act (70 Stat. 213).

79 Stat. 213.
16 USC 460*l*-12 note.

Transfer of functions.

SEC. 107. The Secretary is authorized to transfer to the State of Colorado or to any qualified agency or political subdivision of the State, or to a water users' organization, responsibility for the care, operation, and maintenance of the project works, or any part thereof. The agency or organization assuming such obligation shall obligate itself to operate the project works in accordance with regulations prescribed by the Secretary.

Limitation.

SEC. 108. Nothing contained in this Act shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Rio Grande compact; or to shift any legal burden of delivery from the Rio Grande or the Conejos River to the closed basin.

Appropriation.

SEC. 109. There is hereby authorized to be appropriated for construction of the closed basin division of the San Luis Valley project the sum of $18,246,000 (April 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, and such additional sums as may be required for operation and maintenance of the project.

TITLE II

BRANTLEY PROJECT, PECOS RIVER BASIN, NEW MEXICO

43 USC 371 note.

SEC. 201. The Secretary of the Interior is authorized to construct, operate, and maintain the Brantley project, Pecos River Basin, New Mexico, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plan set out in the report of the Secretary on this project, with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purposes of irrigation, flood control, fish and wildlife and recreation, and for the elimination of the hazards of failure of McMilland and Avalon Dams: *Provided*, That the Secretary of the Interior shall operate the existing Alamogordo Dam and Reservoir unit: *And provided further*, That the Secretary of the Interior shall familiarize himself with the water rights of appropriators of water from the Pecos River and shall promulgate criteria for the operation of the Brantley project and other irrigation storage projects on the Pecos River in the State of New Mexico that will preclude any detrimental effect on water rights in the Pecos River so that appropriators of water will not be adversely and unreasonably affected by such operations.

SEC. 202. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Brantley project shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 203. Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Pecos River Compact, 1948, consented to by the Congress in the Act of June 9, 1949 (63 Stat. 159).

SEC. 204. The costs allocated to flood control and the safety of dams purposes of the project shall be nonreimbursable and nonreturnable. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213). 16 USC 460*l*-12 note.

SEC. 205. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Brantley project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the project is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue. Interest rate.

SEC. 206. There is hereby authorized to be appropriated for construction of the Brantley project the sum of $45,605,000 (based on July 1971 prices), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, sums as may be required for operation and maintenance of the project. Appropriation.

TITLE III

SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO

SEC. 301. For the primary purposes of providing irrigation water supplies and the enhancement of fish and wildlife resources, and other purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho. The principal works of the divisions shall consist of the Milner pumping plant, the Milner-Salmon Falls Canal, relift pumping stations, water distribution facilities, wells to provide supplemental water, drainage facilities, and related works. The wells to provide supplemental water, authorized by this Act, shall be so located that the irrigation water produced therefrom can be delivered to the lands of the Salmon Falls division without the requirement for water rights exchange agreements between the Salmon River Canal Company and the North Side Canal Company of Jerome, Idaho. 43 USC 371 note.

SEC. 302. Any exchanges of water which may be required in connection with the operation of the division authorized by this title shall be made in conformity with applicable State law and shall in no way jeopardize, diminish, or otherwise alter contractual rights and obligations now in existence or water rights acquired under State law, and shall be without prejudice to, but in enjoyment of, the rights of the appropriator participating in the exchange as a use under his original appropriation. Existing water users shall bear no additional costs as a consequence of any exchange in their service area. Water exchanges.

SEC. 303. Irrigation repayment contracts shall provide, with respect to any contract unit, for repayment of the irrigation construction costs assigned to the irrigators for repayment over a period of not more than fifty years, exclusive of any development period authorized by Irrigation repayment contracts.

law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

SEC. 304. The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Salmon Falls division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

16 USC 460*l*-12 note.

SEC. 305. Power and energy required for irrigation water pumping for the Salmon Falls division shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

Interest rate.

SEC. 306. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Salmon Falls division shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the division is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 307. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

68 Stat. 902.

Appropriation.

SEC. 308. There is hereby authorized to be appropriated for construction of the works herein authorized and for the acquisition of the necessary land and rights the sum of $62,258,000 (January 1972 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. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said division.

TITLE IV

O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

SEC. 401. The O'Neill unit, heretofore authorized as an intregal part of the Pick-Sloan Missouri Basin program by the Act of August 21, 1954 (68 Stat. 757), is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for seventy-seven thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the O'Neill unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the unit shall include Norden Dam and Reservoir, related canals, a pumping plant, distribution systems, and other necessary works needed to effect the aforesaid purposes.

43 USC 371 note.

SEC. 402. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the O'Neill unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213). Fish and wildlife resources. 16 USC 460*l*-12 note.

SEC. 403. The O'Neill unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented. 58 Stat. 891; 84 Stat. 75.

SEC. 404. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. Interest rate.

SEC. 405. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421 note), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. Water use, restriction. 68 Stat. 902.

SEC. 406. There is hereby authorized to be appropriated for construction of the O'Neill unit as authorized in this Act the sum of $113,300,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit. Appropriation.

TITLE V

NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

SEC. 501. The North Loup division heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for fifty-three thousand acres of land, enhancement of outdoor recreation opportunities, conservation and development of fish and wildlife resources, and for other purposes. The principal features of the North Loup division shall include Calamus and Davis Creek Dams and Reservoirs, Kent diversion works; irrigation canals; pumping facilities; associated irrigation distribution and drainage works; facilities for public outdoor recreation and fish and wildlife developments; and other necessary works and facilities to effect its purposes. Reauthorization.

SEC. 502. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its Interest rate.

outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

Fish and wildlife resources.

SEC. 503. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the North Loup division shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

16 USC 460*l*-12 note.

SEC. 504. The North Loup division shall be integrated, physically and financially, with the other Federal works in the Missouri Basin constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the Act of December 22, 1944 (58 Stat. 891), as amended and supplemented.

84 Stat. 75.

SEC. 505. The North Loup division shall be so constructed and operated that no water shall be diverted from either the Calamus or the North Loup Rivers for any use by the division during the months of July and August each year; and no water shall be diverted from said rivers during the month of September each year whenever during said month there is sufficient water available in the division storage reservoirs to deliver the design capacity of the canals receiving water from said reservoirs.

Water use, restriction.

SEC. 506. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421 note), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

68 Stat. 902.

Appropriation.

SEC. 507. There is hereby authorized to be appropriated for construction of the North Loup division as authorized in this Act the sum of $79,500,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the division.

Approved October 20, 1972.

Public Law 92-515

October 21, 1972
[H. R. 11032]

AN ACT

To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia.

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

D.C.
Blind and physically disabled persons.
Rights.

EQUAL ACCESS TO PUBLIC PLACES

SECTION 1. The blind and the otherwise physically disabled have the same right as the able bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places in the District of Columbia.

EQUAL ACCESS TO PUBLIC ACCOMMODATIONS AND CONVEYANCES

SEC. 2. (a) The blind and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other public conveyances or modes of transportation in the District of Columbia, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited in the District of Columbia, subject only to the conditions and limitations established by law or in accordance with law applicable alike to all persons.

Dog guides.

(b) Every blind person shall have the right to be accompanied by a dog guide, especially trained for the purpose, in any of the places, accommodations, or conveyances listed in subsection (a), without being required to pay an extra charge for the dog guide; but any blind person so accompanied shall be liable for any damage done to the premises or facilities by such dog.

SAFETY STANDARDS FOR DRIVERS OF MOTOR VEHICLES

SEC. 3. The driver of a vehicle in the District of Columbia approaching a blind pedestrian who is carrying a cane predominantly white or metallic in color (with or without a red tip) or using a dog guide shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian. A blind pedestrian in the District of Columbia not carrying such a cane or using a dog guide in any of the places, accommodations, or conveyances listed in sections 1 and 2 shall have all of the rights and privileges conferred by law on other persons, and the failure of such a blind pedestrian to carry such a cane or to use a dog guide in any such places, accommodations, or conveyances shall not be held to constitute nor be evidence of contributory negligence.

DISCRIMINATION IN EMPLOYMENT

SEC. 4. The blind and the otherwise physically disabled shall be employed by—

(1) every individual, partnership, firm, association, or corporation, or the receiver, trustee, or successor thereof (exclusive of the Government of the United States or any agency thereof), doing business, and employing any individual for the purpose of such business, in the District of Columbia, and

(2) the government of the District of Columbia, the Board of Education of the District of Columbia, the Board of Vocational Education of the District of Columbia, the Board of Higher Education of the District of Columbia, and the Executive Officer of the District of Columbia courts, and all other employers supported in whole or in part by appropriations for the District of Columbia,

on the same terms and conditions as the able bodied, unless it is shown that the particular disability prevents the performance of the work involved.

EQUAL ACCESS TO HOUSING

SEC. 5. (a) Blind persons and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in the District of Columbia, subject to the conditions and limitations established by law or in accordance with law and applicable alike to all persons.

Dog guides.

(b) Every blind person who has a dog guide, or who obtains a dog guide, shall be entitled to full and equal access to all housing accommodations referred to in this section, without being required to pay an extra charge for the dog guide; but such blind person shall be liable for any damage done to the premises by such dog.

(c) Nothing in this section shall require any person renting, leasing, or providing real property for compensation in the District of Columbia to modify his property in any way or to provide a higher degree of care for a blind person or otherwise physically disabled person than for a person who is not physically disabled.

PENALTY

SEC. 6. Any person or the agent of any person in the District of Columbia who denies or interferes with admittance to or enjoyment of any of the places, accommodations, or conveyances listed in sections 1 and 2 or otherwise interferes with the rights of a blind or otherwise disabled person under sections 1, 2, 4, and 5 shall be imprisoned for not longer than ninety days, or fined not more than $300, or both.

WHITE CANE SAFETY DAY

Commissioner of D.C., proclamation authorization.

SEC. 7. Each year, the Commissioner of the District of Columbia shall take suitable public notice of October 15 as White Cane Safety Day. He shall issue a proclamation commenting upon the significance of the white cane, and calling upon the citizens of the District of Columbia to observe the provisions of this Act, to be aware of the presence of disabled persons in the community, to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement, and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

DEFINITION

SEC. 8. For purposes of this Act—

(1) The term "blind person" means, and the term "blind" refers to, a person who is totally blind, has impaired vision of not more than 20/200 visual acuity in the better eye and for whom vision cannot be improved to better than 20/200, or who has loss of vision due wholly or in part to impairment of field vision or to other factors which affect the usefulness of vision to a like degree.

(2) The term "otherwise physically disabled" refers to an individual who has a medically determinable physical impairment (other than blindness) which interferes with his ability to move about, to assist himself, or to engage in an occupation.

Approved October 21, 1972.

Public Law 92-516

AN ACT

October 21, 1972
[H. R. 10729]

To amend the Federal Insecticide, Fungicide, and Rodenticide Act, 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 "Federal Environmental Pesticide Control Act of 1972".

Federal Environmental Pesticide Control Act of 1972.

AMENDMENTS TO FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 2. The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) is amended to read as follows:

61 Stat. 163; 78 Stat. 190.

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Federal Insecticide, Fungicide, and Rodenticide Act'.

"(b) TABLE OF CONTENTS.—

"Section 1. Short title and table of contents.
"(a) Short title.
"(b) Table of contents.

"Sec. 2. Definitions.
"(a) Active ingredient.
"(b) Administrator.
"(c) Adulterated.
"(d) Animal.
"(e) Certified applicator, etc.
"(1) Certified applicator.
"(2) Private applicator.
"(3) Commercial applicator.
"(4) Under the direct supervision and control of a certified applicator.
"(f) Defoliant.
"(g) Desiccant.
"(h) Device.
"(i) District court.
"(j) Environment.
"(k) Fungus.
"(l) Imminent hazard.
"(m) Inert ingredient.
"(n) Ingredient statement.
"(o) Insect.
"(p) Label and labeling.
"(1) Label.
"(2) Labeling.
"(q) Misbranded.
"(r) Nematode.
"(s) Person.
"(t) Pest.
"(u) Pesticide.
"(v) Plant regulator.
"(w) Producer and produce.
"(x) Protect health and the environment.
"(y) Registrant.
"(z) Registration.
"(aa) State.
"(bb) Unreasonable adverse effects on the environment.
"(cc) Weed.
"(dd) Establishment.
"Sec. 3. Registration of pesticides.
"(a) Requirement.
"(b) Exemptions.
"(c) Procedure for registration.
"(1) Statement required.
"(2) Data in support of registration.
"(3) Time for acting with respect to application.
"(4) Notice of application.
"(5) Approval of registration.
"(6) Denial of registration.

"(d) Classification of pesticides.
"(1) Classification for general use, restricted use, or both.
"(2) Change in classification.
"(e) Products with same formulation and claims.
"(f) Miscellaneous.
"(1) Effect of change of labeling or formulation.
"(2) Registration not a defense.
"(3) Authority to consult other Federal agencies.
"Sec. 4. Use of restricted use pesticide; certified applicators.
"(a) Certification procedure.
"(1) Federal certification.
"(2) State certification.
"(b) State plans.
"Sec. 5. Experimental use permits.
"(a) Issuance.
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"Sec. 6. Administrative review; suspension.
"(a) Cancellation after five years.
"(1) Procedure.
"(2) Information.
"(b) Cancellation and change in classification.
"(c) Suspension.
"(1) Order.
"(2) Expedite hearing.
"(3) Emergency order.
"(4) Judicial review.
"(d) Public hearings and scientific review.
"(e) Judicial review.
"Sec. 7. Registration of establishments.
"(a) Requirement.
"(b) Registration.
"(c) Information required.
"(d) Confidential records and information.
"Sec. 8. Books and records.
"(a) Requirement.
"(b) Inspection.
"Sec. 9. Inspection of establishments, etc.
"(a) In general.
"(b) Warrants.
"(c) Enforcement.
"(1) Certification of facts to Attorney General.
"(2) Notice not required.
"(3) Warning notices.
"Sec. 10. Protection of trade secrets, etc.
"(a) In general.
"(b) Disclosure.
"Sec. 11. Standards applicable to pesticide applicators.
"(a) In general.
"(b) Separate standards.
"Sec. 12. Unlawful acts.
"(a) In general.
"(b) Exemptions.
"Sec. 13. Stop sale, use, removal, and seizure.
"(a) Stop sale, etc., orders.
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"(d) Court costs, etc.
"Sec. 14. Penalties.
"(a) Civil penalties.
"(1) In general.
"(2) Private pesticide applicator.
"(3) Hearing.
"(4) References to Attorney General.
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"Sec. 16. Administrative procedure; judicial review.
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"Sec. 17. Imports and exports.
"(a) Pesticides and devices intended for export.
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"(a) Procedures.
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"Sec. 20. Research and monitoring.
"(a) Research.
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"Sec. 21. Solicitation of public comments; notice of public hearings.
"Sec. 22. Delegation and cooperation.
"Sec. 23. State cooperation, aid, and training.
"(a) Cooperative agreements.
"(b) Contracts for training.
"Sec. 24. Authority of States.
"Sec. 25. Authority of Administrator.
"(a) Regulations.
"(b) Exemption of pesticides.
"(c) Other authority.
"Sec. 26. Severability.
"Sec. 27. Authorization for appropriations.

"SEC. 2. DEFINITIONS.

"For purposes of this Act—

"(a) ACTIVE INGREDIENT.—The term 'active ingredient' means—.

"(1) in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest;

"(2) in the case of a plant regulator, an ingredient which. through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;

"(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and

"(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

"(b) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(c) ADULTERATED.—The term 'adulterated' applies to any pesticide if:

"(1) its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold;

"(2) any substance has been substituted wholly or in part for the pesticide; or

"(3) any valuable constituent of the pesticide has been wholly or in part abstracted.

"(d) ANIMAL.—The term 'animal' means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

"(e) CERTIFIED APPLICATOR, ETC.—

"(1) CERTIFIED APPLICATOR.—The term 'certified applicator' means any individual who is certified under section 4 as authorized to use or supervise the use of any pesticide which is classified for restricted use.

"(2) PRIVATE APPLICATOR.—The term 'private applicator' means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing

any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

"(3) COMMERCIAL APPLICATOR.—The term 'commercial applicator' means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by paragraph (2).

"(4) UNDER THE DIRECT SUPERVISION OF A CERTIFIED APPLICATOR.—Unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

"(f) DEFOLIANT.—The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"(g) DESICCANT.—The term 'desiccant' means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

"(h) DEVICE.—The term 'device' means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.

"(i) DISTRICT COURT.—The term 'district court' means a United States district court, the District Court of Guam, the District Court of the Virgin Islands, and the highest court of American Samoa.

"(j) ENVIRONMENT.—The term 'environment' includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.

"(k) FUNGUS.—The term 'fungus' means any non-chlorophyll-bearing thallophyte (that is, any non-chlorophyll-bearing plant of a lower order than mosses and liverworts), as for example, rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other animals and those on or in processed food, beverages, or pharmaceuticals.

"(l) IMMINENT HAZARD.—The term 'imminent hazard' means a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior under Public Law 91-135.

83 Stat. 275.
16 USC 668cc-1.

"(m) INERT INGREDIENT.—The term 'inert ingredient' means an ingredient which is not active.

"(n) INGREDIENT STATEMENT.—The term 'ingredient statement' means a statement which contains—

"(1) the name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the pesticide; and

"(2) if the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, calculated as elementary arsenic.

"(o) INSECT.—The term 'insect' means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

"(p) LABEL AND LABELING.—

"(1) LABEL.—The term 'label' means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

"(2) LABELING.—The term 'labeling' means all labels and all other written, printed, or graphic matter—

"(A) accompanying the pesticide or device at any time; or

"(B) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

"(q) MISBRANDED.—

"(1) A pesticide is misbranded if—

"(A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

"(B) it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to section 25(c)(3);

"(C) it is an imitation of, or is offered for sale under the name of, another pesticide;

"(D) its label does not bear the registration number assigned under section 7 to each establishment in which it was produced;

"(E) any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment;

"(G) the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 3(d) of this Act, is adequate to protect health and the environment.

"(2) A pesticide is misbranded if—

"(A) the label does not bear an ingredient statement on that part of the immediate container (and on the outside container or wrapper of the retail package, if there be one, through which the ingredient statement on the immediate container cannot be clearly read) which is presented or dis-

played under customary conditions of purchase, except that a pesticide is not misbranded under this subparagraph if:

"(i) the size of form of the immediate container, or the outside container or wrapper of the retail package, makes it impracticable to place the ingredient statement on the part which is presented or displayed under customary conditions of purchase; and

"(ii) the ingredient statement appears prominently on another part of the immediate container, or outside container or wrapper, permitted by the Administrator;

"(B) the labeling does not contain a statement of the use classification under which the product is registered;

"(C) there is not affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing—

"(i) the name and address of the producer, registrant, or person for whom produced;

"(ii) the name, brand, or trademark under which the pesticide is sold;

"(iii) the net weight or measure of the content: *Provided*, That the Administrator may permit reasonable variations; and

"(v) when required by regulation of the Administrator to effectuate the purposes of this Act, the registration number assigned to the pesticide under this Act, and the use classification; and

"(D) the pesticide contains any substance or substances in quantities highly toxic to man, unless the label shall bear, in addition to any other matter required by this Act—

"(i) the skull and crossbones;

"(ii) the word 'poison' prominently in red on a background of distinctly contrasting color; and

"(iii) a statement of a practical treatment (first aid or otherwise) in case of poisoning by the pesticide.

"(r) NEMATODE.—The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.

"(s) PERSON.—The term 'person' means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

"(t) PEST.—The term 'pest' means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1).

"(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.

"(v) PLANT REGULATOR.—The term 'plant regulator' means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional

chemicals, plant inoculants, and soil amendments. Also, the term 'plant regulator' shall not be required to include any of such of those nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and as are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

"(w) PRODUCER AND PRODUCE.—The term 'producer' means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device. The term 'produce' means to manufacture, prepare, compound, propagate, or process any pesticide or device.

"(x) PROTECT HEALTH AND THE ENVIRONMENT.—The terms 'protect health and the environment' and 'protection of health and the environment' mean protection against any unreasonable adverse effects on the environment.

"(y) REGISTRANT.—The term 'registrant' means a person who has registered any pesticide pursuant to the provisions of this Act.

"(z) REGISTRATION.—The term 'registration' includes reregistration.

"(aa) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

"(bb) UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT.—The term 'unreasonable adverse effects on the environment' means any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

"(cc) WEED.—The term 'weed' means any plant which grows where not wanted.

"(dd) ESTABLISHMENT.—The term 'establishment' means any place where a pesticide or device is produced, or held, for distribution or sale.

"SEC. 3. REGISTRATION OF PESTICIDES.

"(a) REQUIREMENT.—Except as otherwise provided by this Act, no person in any State may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any pesticide which is not registered with the Administrator.

"(b) EXEMPTIONS.—A pesticide which is not registered with the Administrator may be transferred if—

"(1) the transfer is from one registered establishment to another registered establishment operated by the same producer solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment; or

"(2) the transfer is pursuant to and in accordance with the requirements of an experimental use permit.

"(c) PROCEDURE FOR REGISTRATION.—

(1) STATEMENT REQUIRED.—Each applicant for registration of a pesticide shall file with the Administrator a statement which includes—

"(A) the name and address of the applicant and of any other person whose name will appear on the labeling;

"(B) the name of the pesticide;

"(C) a complete copy of the labeling of the pesticide, a statement of all claims to be made for it, and any directions for its use;

"(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 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). 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 the owner of the test data 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. In no event shall the amount of payment determined by the court be less than that determined by the Administrator;

"(E) the complete formula of the pesticide; and

"(F) a request that the pesticide be classified for general use, for restricted use, or for both.

"(2) DATA IN SUPPORT OF REGISTRATION.—The Administrator shall publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide and shall revise such guidelines from time to time. If thereafter he requires any additional kind of information he shall permit sufficient time for applicants to obtain such additional information. Except as provided by subsection (c)(1)(D) of this section and section 10, within 30 days after the Administrator registers a pesticide under this Act he shall make available to the public the data called for in the registration statement together with such other scientific information as he deems relevant to his decision.

"(3) TIME FOR ACTING WITH RESPECT TO APPLICATION.—The Administrator shall review the data after receipt of the application and shall, as expeditiously as possible, either register the pesticide in accordance with paragraph (5), or notify the applicant of his determination that it does not comply with the provisions of the Act in accordance with paragraph (6).

Publication in Federal Register.

"(4) NOTICE OF APPLICATION.—The Administrator shall publish in the Federal Register, promptly after receipt of the statement and other data required pursuant to paragraphs (1) and (2), a notice of each application for registration of any pesticide if it contains any new active ingredient or if it would entail a changed use pattern. The notice shall provide for a period of 30 days in which any Federal agency or any other interested person may comment.

"(5) APPROVAL OF REGISTRATION.—The Administrator shall register a pesticide if he determines that, when considered with any restrictions imposed under subsection (d)—

"(A) its composition is such as to warrant the proposed claims for it;

"(B) its labeling and other material required to be submitted comply with the requirements of this Act;

"(C) it will perform its intended function without unreasonable adverse effects on the environment; and

"(D) when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

The Administrator shall not make any lack of essentiality a criterion for denying registration of any pesticide. Where two pesticides meet the requirements of this paragraph, one should not be registered in preference to the other.

"(6) DENIAL OF REGISTRATION.—If the Administrator determines that the requirements of paragraph (5) for registration are not satisfied, he shall notify the applicant for registration of his determination and of his reasons (including the factual basis) therefor, and that, unless the applicant corrects the conditions and notifies the Administrator thereof during the 30-day period beginning with the day after the date on which the applicant receives the notice, the Administrator may refuse to register the pesticide. Whenever the Administrator refuses to register a pesticide, he shall notify the applicant of his decision and of his reasons (including the factual basis) therefor. The Administrator shall promptly publish in the Federal Register notice of such denial of registration and the reasons therefor. Upon such notification, the applicant for registration or other interested person with the concurrence of the applicant shall have the same remedies as provided for in section 6.

Publication in Federal Register.

"(d) CLASSIFICATION OF PESTICIDES.—

"(1) CLASSIFICATION FOR GENERAL USE, RESTRICTED USE, OR BOTH.—

"(A) As a part of the registration of a pesticide the Administrator shall classify it as being for general use or for restricted use, provided that if the Administrator determines that some of the uses for which the pesticide is registered should be for general use and that other uses for which it is registered should be for restricted use, he shall classify it for both general use and restricted use. If some of the uses of the pesticide are classified for general use and other uses are classified for restricted use, the directions relating to its general uses shall be clearly separated and distinguished from those directions relating to its restricted uses: *Provided, however*, That the Administrator may require that its packaging and labeling for restricted uses shall be clearly distinguishable from its packaging and labeling for general uses.

"(B) If the Administrator determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment, he will classify the pesticide, or the particular use or uses of the pesticide to which the determination applies, for general use.

"(C) If the Administrator determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify the pesticide, or the particular

use or uses to which the determination applies, for restricted use:

"(i) If the Administrator classifies a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that the acute dermal or inhalation toxicity of the pesticide presents a hazard to the applicator or other persons, the pesticide shall be applied for any use to which the restricted classification applies only by or under the direct supervision of a certified applicator.

"(ii) If the Administrator classifies a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that its use without additional regulatory restriction may cause unreasonable adverse effects on the environment, the pesticide shall be applied for any use to which the determination applies only by or under the direct supervision of a certified applicator, or subject to such other restrictions as the Administrator may provide by regulation. Any such regulation shall be reviewable in the appropriate court of appeals upon petition of a person adversely affected filed within 60 days of the publication of the regulation in final form.

Publication in Federal Register.

"(2) CHANGE IN CLASSIFICATION.—If the Administrator determines that a change in the classification of any use of a pesticide from general use to restricted use is necessary to prevent unreasonable adverse effects on the environment, he shall notify the registrant of such pesticide of such determination at least 30 days before making the change and shall publish the proposed change in the Federal Register. The registrant, or other interested person with the concurrence of the registrant, may seek relief from such determination under section 6(b).

"(e) PRODUCTS WITH SAME FORMULATION AND CLAIMS.—Products which have the same formulation, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide; and additional names and labels shall be added to the registration by supplemental statements.

"(f) MISCELLANEOUS.—

"(1) EFFECT OF CHANGE OF LABELING OR FORMULATION.—If the labeling or formulation for a pesticide is changed, the registration shall be amended to reflect such change if the Administrator determines that the change will not violate any provision of this Act.

"(2) REGISTRATION NOT A DEFENSE.—In no event shall registration of an article be construed as a defense for the commission of any offense under this Act: *Provided*, That as long as no cancellation proceedings are in effect registration of a pesticide shall be prima facie evidence that the pesticide, its labeling and packaging comply with the registration provisions of the Act.

"(3) AUTHORITY TO CONSULT OTHER FEDERAL AGENCIES.—In connection with consideration of any registration or application for registration under this section, the Administrator may consult with any other Federal agency.

"SEC. 4. USE OF RESTRICTED USE PESTICIDES; CERTIFIED APPLICATORS.

"(a) CERTIFICATION PROCEDURE.—

"(1) FEDERAL CERTIFICATION.—Subject to paragraph (2), the Administrator shall prescribe standards for the certification of applicators of pesticides. Such standards shall provide that to be certified, an individual must be determined to be competent with respect to the use and handling of pesticides, or to the use and handling of the pesticide or class of pesticides covered by such individual's certification. Standards.

"(2) STATE CERTIFICATION.—If any State, at any time, desires to certify applicators of pesticides, the Governor of such State shall submit a State plan for such purpose. The Administrator shall approve the plan submitted by any State, or any modification thereof, if such plan in his judgment—

"(A) designates a State agency as the agency responsible for administering the plan throughout the State;

"(B) contains satisfactory assurances that such agency has or will have the legal authority and qualified personnel necessary to carry out the plan;

"(C) gives satisfactory assurances that the State will devote adequate funds to the administration of the plan;

"(D) provides that the State agency will make such reports to the Administrator in such form and containing such information as the Administrator may from time to time require; and

"(E) contains satisfactory assurances that State standards for the certification of applicators of pesticides conform with those standards prescribed by the Administrator under paragraph (1).

Any State certification program under this section shall be maintained in accordance with the State plan approved under this section.

"(b) STATE PLANS.—If the Administrator rejects a plan submitted under this paragraph, he shall afford the State submitting the plan due notice and opportunity for hearing before so doing. If the Administrator approves a plan submitted under this paragraph, then such State shall certify applicators of pesticides with respect to such State. Whenever the Administrator determines that a State is not administering the certification program in accordance with the plan approved under this section, he shall so notify the State and provide for a hearing at the request of the State, and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such plan. Hearing.

"SEC. 5. EXPERIMENTAL USE PERMITS.

"(a) ISSUANCE.—Any person may apply to the Administrator for an experimental use permit for a pesticide. The Administrator may issue an experimental use permit if he determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide under section 3. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed.

"(b) TEMPORARY TOLERANCE LEVEL.—If the Administrator determines that the use of a pesticide may reasonably be expected to result in any residue on or in food or feed, he may establish a temporary tolerance level for the residue of the pesticide before issuing the experimental use permit.

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"(c) USE UNDER PERMIT.—Use of a pesticide under an experimental use permit shall be under the supervision of the Administrator, and shall be subject to such terms and conditions and be for such period of time as the Administrator may prescribe in the permit.

"(d) STUDIES.—When any experimental use permit is issued for a pesticide containing any chemical or combination of chemicals which has not been included in any previously registered pesticide, the Administrator may specify that studies be conducted to detect whether the use of the pesticide under the permit may cause unreasonable adverse effects on the environment. All results of such studies shall be reported to the Administrator before such pesticide may be registered under section 3.

"(e) REVOCATION.—The Administrator may revoke any experimental use permit, at any time, if he finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

"(f) STATE ISSUANCE OF PERMITS.—Notwithstanding the foregoing provisions of this section, the Administrator may, under such terms and conditions as he may by regulations prescribe, authorize any State to issue an experimental use permit for a pesticide. All provisions of section 4 relating to State plans shall apply with equal force to a State plan for the issuance of experimental use permits under this section.

"SEC. 6. ADMINISTRATIVE REVIEW; SUSPENSION.

"(a) CANCELLATION AFTER FIVE YEARS—

"(1) PROCEDURE.—The Administrator shall cancel the registration of any pesticide at the end of the five-year period which begins on the date of its registration (or at the end of any five-year period thereafter) unless the registrant, or other interested person with the concurrence of the registrant, before the end of such period, requests in accordance with regulations prescribed by the Administrator that the registration be continued in effect: *Provided*, That the Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is canceled under this subsection or subsection (b) to such extent, under such conditions, and for such uses as he may specify if he determines that such sale or use is not inconsistent with the purposes of this Act and will not have unreasonable adverse effects on the environment. The Administrator shall publish in the Federal Register, at least 30 days prior to the expiration of such five-year period, notice that the registration will be canceled if the registrant or other interested person with the concurrence of the registrant does not request that the registration be continued in effect.

Publication in Federal Register.

"(2) INFORMATION.—If at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, he shall submit such information to the Administrator.

"(b) CANCELLATION AND CHANGE IN CLASSIFICATION.—If it appears to the Administrator that a pesticide or its labeling or other material required to be submitted does not comply with the provisions of this Act or, when used in accordance with widespread and commonly recognized practice, generally causes unreasonable adverse effects on the environment, the Administrator may issue a notice of his intent either—

"(1) to cancel its registration or to change its classification together with the reasons (including the factual basis) for his action, or

"(2) to hold a hearing to determine whether or not its registration should be canceled or its classification changed. Hearing.

Such notice shall be sent to the registrant and made public. The proposed action shall become final and effective at the end of 30 days from receipt by the registrant, or publication, of a notice issued under paragraph (1), whichever occurs later, unless within that time either (i) the registrant makes the necessary corrections, if possible, or (ii) a request for a hearing is made by a person adversely affected by the notice. In the event a hearing is held pursuant to such a request or to the Administrator's determination under paragraph (2), a decision pertaining to registration or classification issued after completion of such hearing shall be final.

"(c) SUSPENSION.—

"(1) ORDER.—If the Administrator determines that action is necessary to prevent an imminent hazard during the time required for cancellation or change in classification proceedings, he may, by order, suspend the registration of the pesticide immediately. No order of suspension may be issued unless the Administrator has issued or at the same time issues notice of his intention to cancel the registration or change the classification of the pesticide.

"Except as provided in paragraph (3), the Administrator shall notify the registrant prior to issuing any suspension order. Such notice shall include findings pertaining to the question of 'imminent hazard'. The registrant shall then have an opportunity, in accordance with the provisions of paragraph (2), for an expedited hearing before the Agency on the question of whether an imminent hazard exists.

"(2) EXPEDITE HEARING.—If no request for a hearing is submitted to the Agency within five days of the registrant's receipt of the notification provided for by paragraph (1), the suspension order may be issued and shall take effect and shall not be reviewable by a court. If a hearing is requested, it shall commence within five days of the receipt of the request for such hearing unless the registrant and the Agency agree that it shall commence at a later time. The hearing shall be held in accordance with the provisions of subchapter II of title 5 of the United States Code, except that the presiding officer need not be a certified hearing examiner. The presiding officer shall have ten days from the conclusion of the presentation of evidence to submit recommended findings and conclusions to the Administrator, who shall then have seven days to render a final order on the issue of suspension. 80 Stat. 381; 81 Stat. 54. 5 USC 551.

"(3) EMERGENCY ORDER.—Whenever the Administrator determines that an emergency exists that does not permit him to hold a hearing before suspending, he may issue a suspension order in advance of notification to the registrant. In that case, paragraph (2) shall apply except that (i) the order of suspension shall be in effect pending the expeditious completion of the remedies provided by that paragraph and the issuance of a final order on suspension, and (ii) no party other than the registrant and the Agency shall participate except that any person adversely affected may file briefs within the time allotted by the Agency's rules. Any person so filing briefs shall be considered a party to such proceeding for the purposes of section 16(b).

"(4) JUDICIAL REVIEW.—A final order on the question of suspension following a hearing shall be reviewable in accordance with Section 16 of this Act, notwithstanding the fact that any related cancellation proceedings have not been completed. Petitions to review orders on the issue of suspension shall be advanced on the docket of the courts of appeals. Any order of suspension entered prior to a hearing before the Administrator shall be subject to immediate review in an action by the registrant or other interested person with the concurrence of the registrant in an appropriate district court, solely to determine whether the order of suspension was arbitrary, capricious or an abuse of discretion, or whether the order was issued in accordance with the procedures established by law. The effect of any order of the court will be only to stay the effectiveness of the suspension order, pending the Administrator's final decision with respect to cancellation or change in classification. This action may be maintained simultaneously with any administrative review proceeding under this section. The commencement of proceedings under this paragraph shall not operate as a stay of order, unless ordered by the court.

"(d) PUBLIC HEARINGS AND SCIENTIFIC REVIEW.—In the event a hearing is requested pursuant to subsection (b) or determined upon by the Administrator pursuant to subsection (b), such hearing shall be held after due notice for the purpose of receiving evidence relevant and material to the issues raised by the objections filed by the applicant or other interested parties, or to the issues stated by the Administrator, if the hearing is called by the Administrator rather than by the filing of objections. Upon a showing of relevance and reasonable scope of evidence sought by any party to a public hearing, the Hearing Examiner shall issue a subpena to compel testimony or production of documents from any person. The Hearing Examiner shall be guided by the principles of the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of reasonable fees and expenses as a condition to requiring testimony of the witness. On contest, the subpena may be enforced by an appropriate United States district court in accordance with the principles stated herein. Upon the request of any party to a public hearing and when in the Hearing Examiner's judgment it is necessary or desirable, the Hearing Examiner shall at any time before the hearing record is closed refer to a Committee of the National Academy of Sciences the relevant questions of scientific fact involved in the public hearing. No member of any committee of the National Academy of Sciences established to carry out the functions of this section shall have a financial or other conflict of interest with respect to any matter considered by such committee. The Committee of the National Academy of Sciences shall report in writing to the Hearing Examiner within 60 days after such referral on these questions of scientific fact. The report shall be made public and shall be considered as part of the hearing record. The Administrator shall enter into appropriate arrangements with the National Academy of Sciences to assure an objective and competent scientific review of the questions presented to Committees of the Academy and to provide such other scientific advisory services as may be required by the Administrator for carrying out the purposes of this Act. As soon as practicable after completion of the hearing (including the report of the Academy) but not later than 90 days thereafter, the Administrator shall evaluate the data and reports before him and issue an order either revoking his notice of intention issued pursuant to

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this section, or shall issue an order either canceling the registration, changing the classification, denying the registration, or requiring modification of the labeling or packaging of the article. Such order shall be based only on substantial evidence of record of such hearing and shall set forth detailed findings of fact upon which the order is based.

"(e) JUDICIAL REVIEW.—Final orders of the Administrator under this section shall be subject to judicial review pursuant to section 16.

"SEC. 7. REGISTRATION OF ESTABLISHMENTS.

"(a) REQUIREMENT.—No person shall produce any pesticide subject to this Act in any State unless the establishment in which it is produced is registered with the Administrator. The application for registration of any establishment shall include the name and address of the establishment and of the producer who operates such establishment.

"(b) REGISTRATION.—Whenever the Administrator receives an application under subsection (a), he shall register the establishment and assign it an establishment number.

"(c) INFORMATION REQUIRED.—

"(1) Any producer operating an establishment registered under this section shall inform the Administrator within 30 days after it is registered of the types and amounts of pesticides—

"(A) which he is currently producing;

"(B) which he has produced during the past year; and

"(C) which he has sold or distributed during the past year.

The information required by this paragraph shall be kept current and submitted to the Administrator annually as required under such regulations as the Administrator may prescribe.

"(2) Any such producer shall, upon the request of the Administrator for the purpose of issuing a stop sale order pursuant to section 13, inform him of the name and address of any recipient of any pesticide produced in any registered establishment which he operates.

"(d) CONFIDENTIAL RECORDS AND INFORMATION.—Any information submitted to the Administrator pursuant to subsection (c) shall be considered confidential and shall be subject to the provisions of section 10.

"SEC. 8. BOOKS AND RECORDS.

"(a) REQUIREMENTS.—The Administrator may prescribe regulations requiring producers to maintain such records with respect to their operations and the pesticides and devices produced as he determines are necessary for the effective enforcement of this Act. No records required under this subsection shall extend to financial data, sales data other than shipment data, pricing data, personnel data, and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed). Regulations.

"(b) INSPECTION.—For the purposes of enforcing the provisions of this Act, any producer, distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery any pesticide or device subject to this Act, shall, upon request of any officer or employee of the Environmental Protection Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to, and to copy: (1) all records showing the delivery, movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee; or (2) in the event of the inability of any person to produce records containing such

information, all other records and information relating to such delivery, movement, or holding of the pesticide or device. Any inspection with respect to any records and information referred to in this subsection shall not extend to financial data, sales data other than shipment data, pricing data, personnel data, and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

"SEC. 9. INSPECTION OF ESTABLISHMENTS, ETC.

"(a) IN GENERAL.—For purposes of enforcing the provisions of this Act, officers or employees duly designated by the Administrator are authorized to enter at reasonable times, any establishment or other place where pesticides or devices are held for distribution or sale for the purpose of inspecting and obtaining samples of any pesticides or devices, packaged, labeled, and released for shipment, and samples of any containers or labeling for such pesticides or devices.

Before undertaking such inspection, the officers or employees must present to the owner, operator, or agent in charge of the establishment or other place where pesticides or devices are held for distribution or sale, appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected, an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained and, if requested, a portion of each such sample equal in volume or weight to the portion retained. If an analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

"(b) WARRANTS.—For purposes of enforcing the provisions of this Act and upon a showing to an officer or court of competent jurisdiction that there is reason to believe that the provisions of this Act have been violated, officers or employees duly designated by the Administrator are empowered to obtain and to execute warrants authorizing—

"(1) entry for the purpose of this section;

"(2) inspection and reproduction of all records showing the quantity, date of shipment, and the name of consignor and consignee of any pesticide or device found in the establishment which is adulterated, misbranded, not registered (in the case of a pesticide) or otherwise in violation of this Act and in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device; and

"(3) the seizure of any pesticide or device which is in violation of this Act.

"(c) ENFORCEMENT.—

"(1) CERTIFICATION OF FACTS TO ATTORNEY GENERAL.—The examination of pesticides or devices shall be made in the Environmental Protection Agency or elsewhere as the Administrator may designate for the purpose of determining from such examinations whether they comply with the requirements of this Act. If it shall appear from any such examination that they fail to comply with the requirements of this Act, the Administrator shall cause notice to be given to the person against whom criminal or civil proceedings are contemplated. Any person so notified shall be

given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings, and if in the opinion of the Administrator it appears that the provisions of this Act have been violated by such person, then the Administrator shall certify the facts to the Attorney General, with a copy of the results of the analysis or the examination of such pesticide for the institution of a criminal proceeding pursuant to section 14(b) or a civil proceeding under section 14(a), when the Administrator determines that such action will be sufficient to effectuate the purposes of this Act.

"(2) NOTICE NOT REQUIRED.—The notice of contemplated proceedings and opportunity to present views set forth in this subsection are not prerequisites to the institution of any proceeding by the Attorney General.

"(3) WARNING NOTICES.—Nothing in this Act shall be construed as requiring the Administrator to institute proceedings for prosecution of minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

"SEC. 10. PROTECTION OF TRADE SECRETS AND OTHER INFORMATION.

"(a) IN GENERAL.—In submitting data required by this Act, the applicant may (1) clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information and (2) submit such marked material separately from other material required to be submitted under this Act.

"(b) DISCLOSURE.—Notwithstanding any other provision of this Act, the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of this Act, information relating to formulas of products acquired by authorization of this Act may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator.

"(c) DISPUTES.—If the Administrator proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (b), he shall notify the applicant or registrant, in writing, by certified mail. The Administrator shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in an appropriate district court for a declaratory judgment as to whether such information is subject to protection under subsection (b).

"SEC. 11. STANDARDS APPLICABLE TO PESTICIDE APPLICATORS.

"(a) IN GENERAL.—No regulations prescribed by the Administrator for carrying out the provisions of this Act shall require any private applicator to maintain any records or file any reports or other documents.

"(b) SEPARATE STANDARDS.—When establishing or approving standards for licensing or certification, the Administrator shall establish separate standards for commercial and private applicators.

"SEC. 12. UNLAWFUL ACTS.

"(a) IN GENERAL.—

"(1) Except as provided by subsection (b), it shall be unlawful for any person in any State to distribute, sell, offer for sale, hold

for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person—

"(A) any pesticide which is not registered under section 3, except as provided by section 6(a)(1);

"(B) any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration under section 3;

"(C) any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under section 3;

"(D) any pesticide which has not been colored or discolored pursuant to the provisions of section 25(c)(5);

"(E) any pesticide which is adulterated or misbranded; or

"(F) any device which is misbranded.

"(2) It shall be unlawful for any person—

"(A) to detach, alter, deface, or destroy, in whole or in part, any labeling required under this Act;

"(B) to refuse to keep any records required pursuant to section 8, or to refuse to allow the inspection of any records or establishment pursuant to section 8 or 9, or to refuse to allow an officer or employee of the Environmental Protection Agency to take a sample of any pesticide pursuant to section 9;

"(C) to give a guaranty or undertaking provided for in subsection (b) which is false in any particular, except that a person who receives and relies upon a guaranty authorized under subsection (b) may give a guaranty to the same effect, which guaranty shall contain, in addition to his own name and address, the name and address of the person residing in the United States from whom he received the guaranty or undertaking;

"(D) to use for his own advantage or to reveal, other than to the Administrator, or officials or employees of the Environmental Protection Agency or other Federal executive agencies, or to the courts, or to physicians, pharmacists, and other qualified persons, needing such information for the performance of their duties, in accordance with such directions as the Administrator may prescribe, any information acquired by authority of this Act which is confidential under this Act;

"(E) who is a registrant, wholesaler, dealer, retailer, or other distributor to advertise a product registered under this Act for restricted use without giving the classification of the product assigned to it under section 3;

"(F) to make available for use, or to use, any registered pesticide classified for restricted use for some or all purposes other than in accordance with section 3(d) and any regulations thereunder;

"(G) to use any registered pesticide in a manner inconsistent with its labeling;

"(H) to use any pesticide which is under an experimental use permit contrary to the provisions of such permit;

"(I) to violate any order issued under section 13;

"(J) to violate any suspension order issued under section 6;

"(K) to violate any cancellation of registration of a pesticide under section 6, except as provided by section 6(a)(1);

"(L) who is a producer to violate any of the provisions of section 7;

"(M) to knowingly falsify all or part of any application for registration, application for experimental use permit, any information submitted to the Administrator pursuant to section 7, any records required to be maintained pursuant to section 8, any report filed under this Act, or any information marked as confidential and submitted to the Administrator under any provision of this Act;

"(N) who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by this Act;

"(O) to add any substance to, or take any substance from, any pesticide in a manner that may defeat the purpose of this Act; or

"(P) to use any pesticide in tests on human beings unless such human beings (i) are fully informed of the nature and purposes of the test and of any physical and mental health consequences which are reasonably foreseeable therefrom, and (ii) freely volunteer to participate in the test.

"(b) EXEMPTIONS.—The penalties provided for a violation of paragraph (1) of subsection (a) shall not apply to—

"(1) any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom he purchased or received in good faith the pesticide in the same unbroken package, to the effect that the pesticide was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Act, and in such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this Act;

"(2) any carrier while lawfully shipping, transporting, or delivering for shipment any pesticide or device, if such carrier upon request of any officer or employee duly designated by the Administrator shall permit such officer or employee to copy all of its records concerning such pesticide or device;

"(3) any public official while engaged in the performance of his official duties;

"(4) any person using or possessing any pesticide as provided by an experimental use permit in effect with respect to such pesticide and such use or possession; or

"(5) any person who ships a substance or mixture of substances being put through tests in which the purpose is only to determine its value for pesticide purposes or to determine its toxicity or other properties and from which the user does not expect to receive any benefit in pest control from its use.

"SEC. 13. STOP SALE, USE, REMOVAL, AND SEIZURE.

"(a) STOP SALE, ETC., ORDERS.—Whenever any pesticide or device is found by the Administrator in any State and there is reason to believe on the basis of inspection or tests that such pesticide or device is in violation of any of the provisions of this Act, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide has been canceled by a final order or has been suspended, the Administrator may issue a written or printed 'stop sale, use, or removal' order to any person who owns, controls, or has custody of such pesticide or device, and after receipt of such order no person shall sell, use, or

remove the pesticide or device described in the order except in accordance with the provisions of the order.

"(b) SEIZURE.—Any pesticide or device that is being transported or, having been transported, remains unsold or in original unbroken packages, or that is sold or offered for sale in any State, or that is imported from a foreign country, shall be liable to be proceeded against in any district court in the district where it is found and seized for confiscation by a process in rem for condemnation if—

"(1) in the case of a pesticide—

"(A) it is adulterated or misbranded;

"(B) it is not registered pursuant to the provisions of section 3;

"(C) its labeling fails to bear the information required by this Act;

"(D) it is not colored or discolored and such coloring or discoloring is required under this Act; or

"(E) any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration;

"(2) in the case of a device, it is misbranded; or

"(3) in the case of a pesticide or device, when used in accordance with the requirements imposed under this Act and as directed by the labeling, it nevertheless causes unreasonable adverse effects on the environment. In the case of a plant regulator, defoliant, or desiccant, used in accordance with the label claims and recommendations, physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when such effects are the purpose for which the plant regulator, defoliant, or desiccant was applied.

"(c) DISPOSITION AFTER CONDEMNATION.—If the pesticide or device is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs, shall be paid into the Treasury of the United States, but the pesticide or device shall not be sold contrary to the provisions of this Act or the laws of the jurisdiction in which it is sold: *Provided*, That upon payment of the costs of the condemnation proceedings and the execution and delivery of a good and sufficient bond conditioned that the pesticide or device shall not be sold or otherwise disposed of contrary to the provisions of the Act or the laws of any jurisdiction in which sold, the court may direct that such pesticide or device be delivered to the owner thereof. The proceedings of such condemnation cases shall confrom, as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(d) COURT COSTS, ETC.—When a decree of condemnation is entered against the pesticide or device, court costs and fees, storage, and other proper expenses shall be awarded against the person, if any, intervening as claimant of the pesticide or device.

"SEC. 14. PENALTIES.

"(a) CIVIL PENALTIES.—

"(1) IN GENERAL.—Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of this Act may be assessed a civil penalty by the Administrator of not more than $5,000 for each offense.

"(2) PRIVATE APPLICATOR.—Any private applicator or other person not included in paragraph (1) who violates any provision of this Act subsequent to receiving a written warning from the Administrator or following a citation for a prior violation, may be assessed a civil penalty by the Administrator of not more than $1,000 for each offense.

"(3) HEARING.—No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in the county, parish, or incorporated city of the residence of the person charged. In determining the amount of the penalty the Administrator shall consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation.

"(4) REFERENCES TO ATTORNEY GENERAL.—In case of inability to collect such civil penalty or failure of any person to pay all, or such portion of such civil penalty as the Administrator may determine, the Administrator shall refer the matter to the Attorney General, who shall recover such amount by action in the appropriate United States district court.

"(b) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall on conviction be fined not more than $25,000, or imprisoned for not more than one year, or both.

"(2) PRIVATE APPLICATOR.—Any private applicator or other person not included in paragraph (1) who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall on conviction be fined not more than $1,000, or imprisoned for not more than 30 days, or both.

"(3) DISCLOSURE OF INFORMATION.—Any person, who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of section 3, shall be fined not more than $10,000, or imprisoned for not more than three years, or both.

"(4) ACTS OF OFFICERS, AGENTS, ETC.—When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case be also deemed to be the act, omission, or failure of such person as well as that of the person employed.

"SEC. 15. INDEMNITIES.

"(a) REQUIREMENT.—If—

"(1) the Administrator notifies a registrant that he has suspended the registration of a pesticide because such action is necessary to prevent an imminent hazard;

"(2) the registration of the pesticide is canceled as a result of a final determination that the use of such pesticide will create an imminent hazard; and

"(3) any person who owned any quantity of such pesticide immediately before the notice to the registrant under paragraph (1) suffered losses by reason of suspension or cancellation of the registration,

the Administrator shall make an indemnity payment to such person, unless the Administrator finds that such person (i) had knowledge of facts which, in themselves, would have shown that such pesticide did

not meet the requirements of section 3(c)(5) for registration, and (ii) continued thereafter to produce such pesticide without giving timely notice of such facts to the Administrator.

"(b) AMOUNT OF PAYMENT.—

"(1) IN GENERAL.—The amount of the idemnity payment under subsection (a) to any person shall be determined on the basis of the cost of the pesticide owned by such person immediately before the notice to the registrant referred to in subsection (a)(1); except that in no event shall an indemnity payment to any person exceed the fair market value of the pesticide owned by such person immediately before the notice referred to in subsection (a)(1).

"(2) SPECIAL RULE.—Notwithstanding any other provision of this Act, the Administrator may provide a reasonable time for use or other disposal of such pesticide. In determining the quantity of any pesticide for which indemnity shall be paid under this subsection, proper adjustment shall be made for any pesticide used or otherwise disposed of by such owner.

"SEC. 16. ADMINISTRATIVE PROCEDURE; JUDICIAL REVIEW.

"(a) DISTRICT COURT REVIEW.—Except as is otherwise provided in this Act, Agency refusals to cancel or suspend registrations or change classifications not following a hearing and other final Agency actions not committed to Agency discretion by law are judicially reviewable in the district courts.

"(b) REVIEW BY COURT OF APPEALS.—In the case of actual controversy as to the validity of any order issued by the Administrator following a public hearing, any person who will be adversely affected by such order and who had been a party to the proceedings may obtain judicial review by filing in the United States court of appeals for the circuit wherein such person resides or has a place of business, within 60 days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or any officer designated by him for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The court shall consider all evidence of record. The order of the Administrator shall be sustained if it is supported by substantial evidence when considered on the record as a whole. The judgment of the court affirming or setting aside, in whole or in part, any order under this section 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 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order. The court shall advance on the docket and expedite the disposition of all cases filed therein pursuant to this section.

72 Stat. 941; 80 Stat. 1323.

62 Stat. 928.

"(c) JURISDICTION OF DISTRICT COURTS.—The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act.

"(d) NOTICE OF JUDGMENTS.—The Administrator shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this Act.

"SEC. 17. IMPORTS AND EXPORTS.

"(a) PESTICIDES AND DEVICES INTENDED FOR EXPORT.—Notwithstanding any other provision of this Act, no pesticide or device shall be deemed in violation of this Act when intended solely for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser, except that producers of such pesticides and devices shall be subject to section 8 of this Act.

(b) CANCELLATION NOTICES FURNISHED TO FOREIGN GOVERNMENTS.—Whenever a registration, or a cancellation or suspension of the registration of a pesticide becomes effective, or ceases to be effective, the Administrator shall transmit through the State Department notification thereof to the governments of other countries and to appropriate international agencies.

"(c) IMPORTATION OF PESTICIDES AND DEVICES.—The Secretary of the Treasury shall notify the Administrator of the arrival of pesticides and devices and shall deliver to the Administrator, upon his request, samples of pesticides or devices which are being imported into the United States, giving notice to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination of a sample that it is adulterated, or misbranded or otherwise violates the provisions set forth in this Act, or is otherwise injurious to health or the environment, the pesticide or device may be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any pesticide or device refused delivery which shall not be exported by the consignee within 90 days from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such pesticide or device pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such pesticide or device, together with the duty thereon, and on refusal to return such pesticide or device for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond: *And provided further*, That all charges for storage, cartage, and labor on pesticides or devices which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"(d) COOPERATION IN INTERNATIONAL EFFORTS.—The Administrator shall, in cooperation with the Department of State and any other appropriate Federal agency, participate and cooperate in any international efforts to develop improved pesticide research and regulations.

"(e) REGULATIONS.—The Secretary of the Treasury, in consultation with the Administrator, shall prescribe regulations for the enforcement of subsection (c) of this section.

"SEC. 18. EXEMPTION OF FEDERAL AGENCIES.

"The Administrator may, at his discretion, exempt any Federal or State agency from any provision of this Act if he determines that emergency conditions exist which require such exemption.

"SEC. 19. DISPOSAL AND TRANSPORTATION.

"(a) PROCEDURES.—The Administrator shall, after consultation with other interested Federal agencies, establish procedures and regula- Regulations.

tions for the disposal or storage of packages and containers of pesticides and for disposal or storage of excess amounts of such pesticides, and accept at convenient locations for safe disposal a pesticide the registration of which is canceled under section 6(c) if requested by the owner of the pesticide.

"(b) ADVICE TO SECRETARY OF TRANSPORTATION.—The Administrator shall provide advice and assistance to the Secretary of Transportation with respect to his functions relating to the transportation of hazardous materials under the Department of Transportation Act (49 U.S.C. 1657), the Transportation of Explosives Act (18 U.S.C. 831–835), the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472 H), and the Hazardous Cargo Act (46 U.S.C. 170, 375, 416).

80 Stat. 944.
74 Stat. 808; 79 Stat. 285.
72 Stat. 775; 85 Stat. 481.

"SEC. 20. RESEARCH AND MONITORING.

Contract authority.

"(a) RESEARCH.—The Administrator shall undertake research, including research by grant or contract with other Federal agencies, universities, or others as may be necessary to carry out the purposes of this Act, and he shall give priority to research to develop biologically integrated alternatives for pest control. The Administrator shall also take care to insure that such research does not duplicate research being undertaken by any other Federal agency.

"(b) NATIONAL MONITORING PLAN.—The Administrator shall formulate and periodically revise, in cooperation with other Federal, State, or local agencies, a national plan for monitoring pesticides.

"(c) MONITORING.—The Administrator shall undertake such monitoring activities, including but not limited to monitoring in air, soil, water, man, plants, and animals, as may be necessary for the implementation of this Act and of the national pesticide monitoring plan. Such activities shall be carried out in cooperation with other Federal, State, and local agencies.

"SEC. 21. SOLICITATION OF COMMENTS; NOTICE OF PUBLIC HEARINGS.

"(a) The Administrator, before publishing regulations under this Act, shall solicit the views of the Secretary of Agriculture.

"(b) In addition to any other authority relating to public hearings and solicitation of views, in connection with the suspension or cancellation of a pesticide registration or any other actions authorized under this Act, the Administrator may, at his discretion, solicit the views of all interested persons, either orally or in writing, and seek such advice from scientists, farmers, farm organizations, and other qualified persons as he deems proper.

Publication in Federal Register.

"(c) In connection with all public hearings under this Act the Administrator shall publish timely notice of such hearings in the Federal Register.

"SEC. 22. DELEGATION AND COOPERATION.

"(a) DELEGATION.—All authority vested in the Administrator by virtue of the provisions of this Act may with like force and effect be executed by such employees of the Environmental Protection Agency as the Administrator may designate for the purpose.

"(b) COOPERATION.—The Administrator shall cooperate with the Department of Agriculture, any other Federal agency, and any appropriate agency of any State or any political subdivision thereof, in carrying out the provisions of this Act, and in securing uniformity of regulations.

"SEC. 23. STATE COOPERATION, AID, AND TRAINING.

"(a) COOPERATIVE AGREEMENTS.—The Administrator is authorized to enter into cooperative agreements with States—

"(1) to delegate to any State the authority to cooperate in the enforcement of the Act through the use of its personnel or facilities, to train personnel of the State to cooperate in the enforcement of this Act, and to assist States in implementing cooperative enforcement programs through grants-in-aid; and

"(2) to assist State agencies in developing and administering State programs for training and certification of applicators consistent with the standards which he prescribes.

"(b) CONTRACTS FOR TRAINING.—In addition, the Administrator is authorized to enter into contracts with Federal or State agencies for the purpose of encouraging the training of certified applicators.

"(c) The Administrator may, in cooperation with the Secretary of Agriculture, utilize the services of the Cooperative State Extension Services for informing farmers of accepted uses and other regulations made pursuant to this Act.

"SEC. 24. AUTHORITY OF STATES.

"(a) A State may regulate the sale or use of any pesticide or device in the State, but only if and to the extent the regulation does not permit any sale or use prohibited by this Act;

"(b) such State shall not impose or continue in effect any requirements for labeling and packaging in addition to or different from those required pursuant to this Act; and

"(c) a State may provide registration for pesticides formulated for distribution and use within that State to meet special local needs if that State is certified by the Administrator as capable of exercising adequate controls to assure that such registration will be in accord with the purposes of this Act and if registration for such use has not previously been denied, disapproved, or canceled by the Administrator. Such registration shall be deemed registration under section 3 for all purposes of this Act, but shall authorize distribution and use only within such State and shall not be effective for more than 90 days if disapproved by the Administrator within that period.

"SEC. 25. AUTHORITY OF ADMINISTRATOR.

"(a) REGULATIONS.—The Administrator is authorized to prescribe regulations to carry out the provisions of this Act. Such regulations shall take into account the difference in concept and usage between various classes of pesticides.

"(b) EXEMPTION OF PESTICIDES.—The Administrator may exempt from the requirements of this Act by regulation any pesticide which he determines either (1) to be adequately regulated by another Federal agency, or (2) to be of a character which is unnecessary to be subject to this Act in order to carry out the purposes of this Act.

"(c) OTHER AUTHORITY.—The Administrator, after notice and opportunity for hearing, is authorized—

"(1) to declare a pest any form of plant or animal life (other than man and other than bacteria, virus, and other micro-organisms on or in living man or other living animals) which is injurious to health or the environment;

"(2) to determine any pesticide which contains any substance or substances in quantities highly toxic to man;

"(3) to establish standards (which shall be consistent with those established under the authority of the Poison Prevention Packaging Act (Public Law 91-601)) with respect to the package, container, or wrapping in which a pesticide or device is enclosed for use or consumption, in order to protect children and adults from serious injury or illness resulting from accidental ingestion

84 Stat. 1670.
15 USC 1471 note.

or contact with pesticides or devices regulated by this Act as well as to accomplish the other purposes of this Act;

"(4) to specify those classes of devices which shall be subject to any provision of paragraph 2(q)(1) or section 7 of this Act upon his determination that application of such provision is necessary to effectuate the purposes of this Act;

"(5) to prescribe regulations requiring any pesticide to be colored or discolored if he determines that such requirement is feasible and is necessary for the protection of health and the environment; and

"(6) to determine and establish suitable names to be used in the ingredient statement.

"SEC. 26. SEVERABILITY.

"If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without regard to the invalid provision or application, and to this end the provisions of this Act are severable.

"SEC. 27. AUTHORIZATION FOR APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975. The amounts authorized to be appropriated for any fiscal year ending after June 30, 1975, shall be the sums hereafter provided by law."

AMENDMENTS TO OTHER ACTS

SEC. 3. The following Acts are amended by striking out the terms "economic poisons" and "an economic poison" wherever they appear and inserting in lieu thereof "pesticides" and "a pesticide" respectively:

74 Stat. 372. (1) The Federal Hazardous Substances Act, as amended (15 U.S.C. 1261 et seq.);

84 Stat. 1670. (2) The Poison Prevention Packaging Act, as amended (15 U.S.C. 1471 et seq.); and

52 Stat. 1040. (3) The Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.).

EFFECTIVE DATES OF PROVISIONS OF ACT

SEC. 4. (a) Except as otherwise provided in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by this Act, and as otherwise provided by this section, the amendments made by this Act shall take effect at the close of the date of the enactment of this Act, provided if regulations are necessary for the implementation of any provision that becomes effective on the date of enactment, such regulations shall be promulgated and shall become effective within 90 days from the date of enactment of this Act.

Savings provision. 61 Stat. 163. 7 USC 135 note. (b) The provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and the regulations thereunder as such existed prior to the enactment of this Act shall remain in effect until superseded by the amendments made by this Act and regulations thereunder: *Provided*, That all provisions made by these amendments and all regulations thereunder shall be effective within four years after the enactment of this Act.

(c)(1) Two years after the enactment of this Act the Administrator shall have promulgated regulations providing for the registration and

classification of pesticides under the provisions of this Act and thereafter shall register all new applications under such provisions.

(2) After two years but within four years after the enactment of this Act the Administrator shall register and reclassify pesticides registered under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act prior to the effective date of the regulations promulgated under subsection (c)(1).

61 Stat. 163. 7 USC 135 note.

(3) Any requirements that a pesticide be registered for use only by a certified applicator shall not be effective until four years from the date of enactment of this Act.

(4) A period of four years from date of enactment shall be provided for certification of applicators.

(A) One year after the enactment of this Act the Administrator shall have prescribed the standards for the certification of applicators.

(B) Within three years after the enactment of this Act each State desiring to certify applicators shall submit a State plan to the Administrator for the purpose provided by section 4(b).

(C) As promptly as possible but in no event more than one year after submission of a State plan, the Administrator shall approve the State plan or disapprove it and indicate the reasons for disapproval. Consideration of plans resubmitted by States shall be expedited.

(5) One year after the enactment of this Act the Administrator shall have promulgated and shall make effective regulations relating to the registration of establishments, permits for experimental use, and the keeping of books and records under the provisions of this Act.

(d) No person shall be subject to any criminal or civil penalty imposed by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by this Act, for any act (or failure to act) occurring before the expiration of 60 days after the Administrator has published effective regulations in the Federal Register and taken such other action as may be necessary to permit compliance with the provisions under which the penalty is to be imposed.

(e) For purposes of determining any criminal or civil penalty or liability to any third person in respect of any act or omission occurring before the expiration of the periods referred to in this section, the Federal Insecticide, Fungicide, and Rodenticide Act shall be treated as continuing in effect as if this Act had not been enacted.

Approved October 21, 1972.

Public Law 92-517

AN ACT

October 21, 1972
[S. 4062]

To provide for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus systems engaged in scheduled regular route operations in the National Capital area, and for other purposes.

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

National Capital Area Transit Act of 1972.

SHORT TITLE

SECTION 1. This Act may be cited as "National Capital Area Transit Act of 1972".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds that (1) an adequate and economically sound transportation system or systems, including bus and rail rapid

transit, serving the Washington metropolitan area is essential to commerce among the several States, and among such States and the District of Columbia, and to the health, welfare, and safety of the public; (2) economies and improvement of service will result from the unification of bus transit and rail transit operations as well as from integration of bus transit facilities within the Washington metropolitan area; (3) the Washington Metropolitan Area Transit Authority is a body corporate and politic organized pursuant to interstate compact among the States of Maryland and Virginia and the District of Columbia, with the consent of Congress, to plan, develop, finance, and operate improved transit facilities in the Washington metropolitan area transit zone; (4) an appropriate solution to the current bus transportation emergency is public ownership and operation of bus transit facilities within the Washington metropolitan area; (5) the cost of such public ownership should be shared by the Federal and local governments in the Washington metropolitan area in accordance with the matching formula authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601–1612); and (6) to these ends it is necessary to enact the provisions hereinafter set forth.

78 Stat. 302; 84 Stat. 967.

TITLE I

CONSENT TO COMPACT AMENDMENT

Washington Metropolitan Area Transit Authority Compact, amendments.

SEC. 101. (a) The Congress hereby consents to amendments to articles XII and XVI of title III of the Washington Metropolitan Area Transit Regulation Compact (D.C. Code, sec. 1–1431 note) substantially as follows:

80 Stat. 1342, 1347.

(1) Section 56 of article XII is amended by adding at the end thereof the following new paragraph:

"(e) The Authority may acquire the capital stock or transit facilities of any private transit company and may perform transit service, including service by bus or similar motor vehicle, with transit facilities so acquired, or with transit facilities acquired pursuant to article VII, section 20. Upon acquisition of the capital stock or the transit facilities of any private transit company, the Authority shall undertake the acquisition as soon as possible of the capital stock or the transit facilities of each of the other private transit companies within the zone requesting such acquisition. Lack of such request, however, shall not be construed to preclude the Authority from acquiring the capital stock or the transit facilities of any such company pursuant to section 82 of article XVI."

80 Stat. 1333.

80 Stat. 1350. D.C. Code 1-1431 note.

(2) Subsection (a) of section 82 of article XVI is amended by deleting "or by a private transit company" at the end of such subsection and by inserting in lieu thereof the following: "whenever such property cannot be acquired by negotiated purchase at a price satisfactory to the Authority".

(b) The Commissioner of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth above, to title III of the Washington Metropolitan Area Transit Regulation Compact with the States of Virginia and Maryland.

ACQUISITION OF PRIVATE BUS COMPANIES OPERATING WITHIN THE WASHINGTON METROPOLITAN AREA

SEC. 102. (a) Based on the findings set forth in section 2 of this Act, it is the sense of the Congress that the Washington Metropolitan Area Transit Authority (hereafter in this Act referred to as the "Transit Authority") should initiate negotiations as soon as possible with the ownership of D.C. Transit System, Incorporated (and its subsidiary, the Washington, Virginia, and Maryland Coach Company), the Alexandria, Barcroft, and Washington Transit Company, and the WMA Transit Company for acquisition by the Transit Authority of capital stock or facilities, plant, equipment, real and personal property of such bus companies of whatever nature, whether owned directly or indirectly, used or useful for mass transportation by bus of passengers within the Washington metropolitan area. It is further the sense of the Congress that representatives of the Transit Authority should participate in any labor contract negotiations undertaken prior to acquisition by the Transit Authority of such bus companies.

D.C. Transit System, Inc. franchise, cancellation.

(b) The franchise to operate a system of mass transportation of passengers for hire granted to D.C. Transit System, Incorporated, by the Act of July 24, 1956 (70 Stat. 598) is hereby canceled, effective upon the date immediately preceding the date on which the Transit Authority acquires the transit facilities of D.C. Transit System, Incorporated.

80 Stat. 1324. D.C. Code 1-1431 note.

(c) (1) The Transit Authority, and any transit company owned or controlled by the Transit Authority, may operate charter service by bus in accordance with title III of the Washington Metropolitan Area Transit Regulation Compact only between any point within the transit zone and any point in the State of Maryland or Virginia, or a point within 250 miles of the Zero Mile Stone located on the Ellipse.

"Transit zone."

(2) For the purposes of this subsection, the term "transit zone" means the area designated in section 3 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(d) D.C. Transit System, Incorporated, a corporation of the District of Columbia, may—

(1) continue to exist as such a corporation and amend its charter in any manner provided under the laws of the District of Columbia;

(2) avail itself of the provisions of the District of Columbia Business Corporation Act in respect to a change of its name; and

(3) become incorporated or reincorporated in any manner provided under the laws of the District of Columbia.

Nothing in this Act shall be construed so as to cause or require the corporate dissolution of D.C. Transit System, Incorporated.

TITLE II

DISTRICT OF COLUMBIA AUTHORIZATIONS

SEC. 201. (a) The Commissioner of the District of Columbia is authorized to contract with the Transit Authority for payment to it of the District's share of the cost to the Transit Authority of acquiring—

(1) the private bus companies referred to in section 102(a) of this Act; and

(2) any rolling stock, real estate, or other capital resources required for the operation of bus service in the District of Columbia either at the time of acquisition of such bus companies or at some future time.

81 Stat. 339; 84 Stat. 1930.

(b) Subsection (b) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9–220) (relating to the borrowing authority of the District of Columbia), is amended by adding at the end thereof the following new paragraph:

"(5) Loans may be made under this subsection to carry out the purposes of section 210(a) of the National Capital Area Transit Act of 1972."

TITLE III

FINANCING

SEC. 301. The Transit Authority, for the purpose of effecting the acquisition of the mass transit bus system or systems as contemplated by this Act, together with such improvements or replacement of acquired equipment and facilities as may be found necessary or desirable by the Secretary of Transportation (hereafter in this title referred to as the "Secretary") in conjunction with such acquisition and within a reasonable time thereafter, not to exceed six months, is eligible for capital grant assistance pursuant to section 3 of the Urban Mass Transportation Act of 1964. For this purpose, the Transit Authority shall be considered a "local public body" within the meaning of that section and, accordingly, the Secretary may authorize and approve capital grant assistance to the Transit Authority in the maximum amount provided for in the Urban Mass Transportation Act of 1964 toward the cost of acquisition of such bus system or systems, including the cost of improvements to or replacement of acquired equipment and facilities approved by the Secretary in conjunction with such acquisition. Such assistance shall be provided from funds available to the Urban Mass Transportation Administration of the Department of Transportation.

78 Stat. 303; 84 Stat. 962. 49 USC 1602.

49 USC 1601 note.

SEC. 302. (a) If the Secretary should determine that immediate action is urgently required to protect the public interest in the National Capital area, he may waive any or all provisions of the Urban Mass Transportation Act of 1964 (except section 13(c) thereof), and immediately grant to the Transit Authority from funds available to the Urban Mass Transportation Administration of the Department of Transportation such sums as are contemplated under section 301.

80 Stat. 715. 49 USC 1609.

(b) The Secretary, after determining that immediate action is necessary in the public interest in accordance with subsection (a) of this section, may, in accordance with subsection (c) of this section, advance from funds available to the Urban Mass Transportation Administration of the Department of Transportation such funds as he determines to be necessary for payment to the Transit Authority to provide temporary financing for that portion of the cost of acquisition of the mass transit bus system or systems contemplated by this Act, together with associated improvements to or replacement of acquired equipment and facilities, which are not provided for by the Secretary pursuant to section 301 of this Act. For this purpose, such advance shall not be construed as a loan made under section 3 of the Urban Mass Transportation Act of 1964. Funds advanced pursuant to this section shall be considered as "other than Federal funds" within the meaning of section 4(a) of the Urban Mass Transportation Act of 1964.

Acquisition, temporary financing advance.

78 Stat. 303; 84 Stat. 962. 49 USC 1602. 84 Stat. 965. 49 USC 1603.

(c) The Secretary shall not advance funds under this section until he has determined that the Transit Authority has the capacity and ability to arrange for repayment of such advance in accordance with section 303 of this Act.

Repayment.

SEC. 303. The advance authorized under section 302(b) shall be repaid by the Transit Authority to the Urban Mass Transportation Administration of the Department of Transportation from contributions by the District of Columbia and other local government jurisdictions or from other non-Federal sources as may be available to the Transit Authority and which were not estimated to be available for financing the mass transit rail rapid system authorized by the National Capital Transportation Act of 1969. Repayment of such advance may be deferred by the Secretary of Transportation, at the request of the Transit Authority, but not beyond the end of the fiscal year following the fiscal year in which the advance was made. Repayment shall be made with interest at a rate to be determined by the Secretary of the Treasury calculated in accordance with the formula set forth in section 3(c) of the Urban Mass Transportation Act of 1964. Principal and interest repaid pursuant to this section shall be credited to the Urban Mass Transportation Fund and shall be considered a restoration of obligational authority available to the Secretary under section 4(c) of the Urban Mass Transportation Act of 1964.

83 Stat. 320. D.C. Code 1-1441 note.

TITLE IV

Condemnation proceedings, jurisdiction.

SEC. 401. (a) The United States District Court for the District of Columbia shall have complete and exclusive jurisdiction over any proceedings by the Transit Authority for the condemnation of property, wherever situated, of D.C. Transit System, Incorporated (including its subsidiary, the Washington, Virginia, and Maryland Coach Company), the Alexandria, Barcroft, and Washington Transit Company, and the WMA Transit Company. Such proceedings shall be instituted and maintained in accordance with the provisions of this section and the provisions of subchapter IV of chapter 13 of title 16, District of Columbia Code, except that the court may appoint a commission in accordance with rule 71A(h) of the Federal Rules of Civil Procedure in connection with the issue of compensation arising out of any such proceedings.

77 Stat. 577. D.C. Code 16-1351. 28 USC app.

(b) Any such condemnation proceedings shall be commenced by the Attorney General of the United States, upon the request of the Transit

Authority, by filing with the United States District Court for the District of Columbia a complaint and declaration of taking containing a description of the land and other assets to be taken, together with a sum of money deposited with the registrar of such court in accordance with the applicable provisions of law set forth in subsection (a) of this section. Upon such filing and deposit, title to the possession of the assets described in any such complaint and declaration of taking shall pass to the Transit Authority and the value of the assets so acquired shall be determined as of that date.

(c) The trial of any such condemnation proceedings shall be a preferred cause and shall be commenced at the earliest date convenient to the court.

Proceedings, transfer.

(d) Any proceeding brought by the Transit Authority under this section against the Alexandria, Barcroft, and Washington Transit Company shall be transferred, upon motion made by such Transit Company, to the United States District Court for the Eastern District of Virginia, and such district court shall have, upon such transfer, complete and exclusive jurisdiction over such proceeding. Any action brought by the Transit Authority under this section against the WMA Transit Company, shall be transferred, upon motion made by the WMA Transit Company, to the United States District Court for the District of Maryland, and such district court shall have, upon such transfer, complete and exclusive jurisdiction over such proceeding.

TITLE V

AUDIT AND REVIEW

SEC. 501. The Comptroller General of the United States shall have access to all books, records, papers, and accounts and operations of the Transit Authority, and any company with which the Transit Authority is conducting negotiations under this Act, and any company eligible to receive or receiving any funds authorized by this Act. The Comptroller General is authorized to inspect any facility or real or personal property of the Transit Authority or of such companies.

TITLE VI

ARLINGTON CEMETERY AND SMITHSONIAN STATIONS

Ante, p. 464. D.C. Code 1-1441 note.

SEC. 601. The National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320) as amended, is hereby further amended by adding at the end thereof the following new section:

"SEC. 13. (a) The Secretary of Transportation shall make payments to the Transit Authority in such amounts as may be requisitioned from time to time by the Transit Authority sufficient, in the aggregate, to finance the cost of designing, constructing, and equipping (1) a rail rapid transit station partially under Memorial Drive designed to serve the Arlington Cemetery with two entrances surfacing adjacent to the sidewalks north and south of Memorial Drive and east of Jefferson Davis Highway, and (2) an additional entrance in the vicinity of the northeast end of the Smithsonian Station surfacing on the Mall south of Adams Drive; except that the aggregate amount of such payments shall not exceed $7,385,000.

Appropriation.

"(b) There are authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, not to exceed $7,385,000 to carry out the purposes of this section. The appropriations authorized in this subsection shall not be subject to the provisions of this Act requiring contributions by the local governments and shall be in addition to the appropriations authorized by section 3(c) thereof."

D.C. Code 1-1442.

Approved October 21, 1972.

Public Law 92-518

AN ACT

October 21, 1972
[H.R. 15965]

To amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, to provide certain revisions in the retirement benefits of public school teachers, and for other purposes.

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

D.C. Teachers, salary increase.

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS AND SCHOOL OFFICERS

Citation of title.

SEC. 101. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1972".

69 Stat. 521; 84 Stat. 358.

SEC. 102. (a) Section 1 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501) is amended to read as follows:

"SECTION 1. The following is the salary schedule for teachers, school officers, and certain other employees of the Board of Education whose positions are covered under this Act:

"TEACHERS AND SCHOOL OFFICERS SALARY SCHEDULE

"Salary class and group	Service step— 1	2	3	4	5	6	7	8	9	10	11	12	13	Longevity step Y
Class 1A	39,500													
Class 1B	35,000													
Class 2A	33,000													
Class 2B	31,000													
Class 3	23,745	24,310	24,875	25,440	26,005	26,570	27,135	27,700	28,265					
Class 4	20,845	21,335	21,825	22,315	22,805	23,295	23,785	24,275	24,765					
Class 5:														
Group B, master's degree	19,665	20,135	20,605	21,075	21,545	22,015	22,485	22,955	23,425					
Group C, master's degree plus 30	20,085	20,555	21,025	21,495	21,965	22,435	22,905	23,375	23,845					
Group D, doctor's	20,500	20,970	21,440	21,910	22,380	22,850	23,320	23,790	24,260					
Class 6:														
Group B, master's degree	19,110	19,565	20,020	20,475	20,930	21,385	21,840	22,295	22,750					
Level IV principal	19,110	19,565	20,020	20,475	20,930	21,385	21,840	22,295	22,750					
Level III principal	18,560	19,015	19,470	19,925	20,380	20,835	21,290	21,745	22,200					
Level II principal	18,010	18,465	18,920	19,375	19,830	20,285	20,740	21,195	21,650					
Level I principal	17,455	17,910	18,365	18,820	19,275	19,730	20,185	20,640	21,095					
Group C, master's degree plus 30	19,530	19,985	20,440	20,895	21,350	21,805	22,260	22,715	23,170					
Level IV principal	19,530	19,985	20,440	20,895	21,350	21,805	22,260	22,715	23,170					
Level III principal	18,975	19,430	19,885	20,340	20,795	21,250	21,705	22,160	22,615					
Level II principal	18,425	18,880	19,335	19,790	20,245	20,700	21,155	21,610	22,065					
Level I principal	17,875	18,330	18,785	19,240	19,695	20,150	20,605	21,060	21,515					
Group D, doctor's degree	19,945	20,400	20,855	21,310	21,765	22,220	22,675	23,130	23,585					
Level IV principal	19,945	20,400	20,855	21,310	21,765	22,220	22,675	23,130	23,585					
Level III principal	19,395	19,850	20,305	20,760	21,215	21,670	22,125	22,580	23,035					
Level II principal	18,840	19,295	19,750	20,205	20,660	21,115	21,570	22,025	22,480					
Level I principal	18,290	18,745	19,200	19,655	20,110	20,565	21,020	21,475	21,930					
Class 7:														
Group B, master's degree	17,304	17,755	18,170	18,585	19,000	19,415	19,830	20,245	20,660					
Group C, master's degree plus 30	17,755	18,170	18,585	19,000	19,415	19,830	20,245	20,660	21,075					
Group D, doctor's	18,170	18,585	19,000	19,415	19,830	20,245	20,660	21,075	21,490					
Class 8:														
Group B, master's degree	15,835	16,240	16,645	17,050	17,455	17,860	18,265	18,670	19,075					
Group C, master's degree plus 30	16,255	16,660	17,065	17,470	17,875	18,280	18,685	19,090	19,495					
Group D, doctor's	16,670	17,075	17,480	17,885	18,290	18,695	19,100	19,505	19,910					
Class 9:														
Group B, master's degree	15,685	16,070	16,455	16,840	17,225	17,610	17,995	18,380	18,765					
Group C, master's degree plus 30	16,105	16,490	16,875	17,260	17,645	18,030	18,415	18,800	19,185					
Group D, doctor's	16,520	16,905	17,290	17,675	18,060	18,445	18,830	19,215	19,600					

"TEACHERS AND SCHOOL OFFICERS SALARY SCHEDULE—Continued

"Salary class and group	Service step— 1	2	3	4	5	6	7	8	9	10	11	12	13	Longevity step Y
Class 10:														
Group B, master's degree	15,080	15,455	15,830	16,205	16,580	16,955	17,330	17,705	18,080					
Group C, master's degree plus 30	15,500	15,875	16,250	16,625	17,000	17,375	17,750	18,125	18,500					
Group D, doctor's	15,915	16,290	16,665	17,040	17,415	17,790	18,165	18,540	18,915					
Class 11:														
Group B, master's degree	14,625	14,985	15,345	15,705	16,065	16,425	16,785	17,145	17,505					
Group C, master's degree plus 30	15,045	15,405	15,765	16,125	16,485	16,845	17,205	17,565	17,925					
Group D, doctor's	15,460	15,820	16,180	16,540	16,900	17,260	17,620	17,980	18,340					
Class 12:														
Group B, master's degree	14,125	14,470	14,815	15,160	15,505	15,850	16,195	16,540	16,885					
Group C, master's degree plus 30	14,540	14,885	15,230	15,575	15,920	16,265	16,610	16,955	17,300					
Group D, doctor's	14,960	15,305	15,650	15,995	16,340	16,685	17,030	17,375	17,720					
Class 13:														
Group B, master's degree	12,925	13,340	13,775	14,170	14,585	15,000	15,415	15,830	16,245					
Group C, master's degree plus 30	13,345	13,760	14,175	14,590	15,005	15,420	15,835	16,250	16,665					
Group D, doctor's	13,760	14,175	14,590	15,005	15,420	15,835	16,250	16,665	17,080					
Class 14:														
Group A, bachelor's degree	9,900	10,335	10,770	11,205	11,640	12,075	12,510	12,945	13,380	13,815	14,250	14,685	15,120	
Group B, master's degree	10,730	11,165	11,600	12,035	12,470	12,905	13,340	13,775	14,210	14,645	15,080	15,515	15,950	
Group C, master's degree plus 30	11,150	11,585	12,020	12,455	12,890	13,325	13,760	14,195	14,630	15,065	15,500	15,935	16,370	
Group D, doctor's	11,565	12,000	12,435	12,870	13,305	13,750	14,175	14,610	15,045	15,480	15,915	16,350	16,785	
Class 15:														
Group A, bachelor's degree	8,350	8,685	9,020	9,355	9,690	10,025	10,445	10,865	11,285	11,705	12,125	12,545	12,965	13,965
Group A-1, bachelor's degree plus 15	8,770	9,105	9,440	9,775	10,110	10,445	10,865	11,285	11,705	12,125	12,545	12,965	13,385	14,800
Group B, master's degree	9,190	9,610	10,030	10,430	10,870	11,290	11,810	12,330	12,850	13,370	13,890	14,410	14,930	16,300
Group C, master's degree plus 30	9,610	10,030	10,450	10,870	11,290	11,710	12,230	12,750	13,270	13,790	14,310	14,830	15,350	16,730
Group D, master's degree plus 60 or doctor's	10,030	10,450	10,870	11,290	11,710	12,130	12,650	13,170	13,690	14,210	14,730	15,250	15,770	17,270".

Summer school, adult education, etc.
84 Stat. 363.

(b) The schedule of pay rates contained in subsection (a) of section 13 of such Act (D.C. Code, sec. 31–1542(a)) is amended to read as follows:

"Classification	Per period		
	Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist	$7.39	$8.38	$9.44
Psychiatric social worker	8.50	9.64	10.86
Veterans' summer school centers: Teacher	7.39	8.38	9.44
Adult education schools:			
Teacher	8.13	9.22	10.38
Assistant principal	11.38	12.91	14.53
Principal	12.60	14.29	16.09".

Future pay increases; effective date.

Ante, p. 1005.

(c)(1)(A) Effective on the first day of the first pay period beginning on or after September 1, 1973, each rate of compensation in the salary schedule in section 1 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501) in effect on the day next preceding such first day shall be increased by 5 per centum unless the Pay Board prescribes under subparagraph (B) an increase of less than 5 per centum, in which case each such rate of compensation shall be increased on such first day by the per centum increase so prescribed by the Pay Board.

(B) Before the effective date of the compensation increase provided by this paragraph, the Pay Board shall determine whether an increase of 5 per centum in each rate of compensation in such salary schedule, effective as prescribed by subparagraph (A), meets the criteria established by the Pay Board for the stabilization of wages and salaries. If the Pay Board determines that such an increase does not meet such criteria, the Pay Board shall, in accordance with such criteria and subject to subparagraph (C), prescribe the per centum increase in each such rate of compensation to take effect as prescribed in subparagraph (A).

(C) Notwithstanding the compensation increase provided by this paragraph, the rate of compensation for salary class 1A in such salary schedule may not be increased under this paragraph to a rate of compensation in excess of the rate of basic pay in effect for level III of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code, on the effective date of the increase provided by this paragraph; and the rate of compensation for any other salary class in such salary schedule may not be increased under this paragraph to a rate of compensation in excess of the rate of basic pay in effect on such date for level V of such Executive Schedule.

83 Stat. 864.
5 USC 5316.

(D) Any increase under this paragraph in a rate of compensation shall be fixed to the nearest $5.00.

(2) Effective on the effective date of the increase authorized by paragraph (1) of this subsection, each pay rate in the schedule in section 13(a) of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1542(a)) in effect on the day next preceding such effective date shall be increased by the same percentage rate as the rates of compensation in the salary schedule in section 1 of such Act (other than the rate for salary class 1A) are increased under paragraph (1).

"Pay Board."

12 USC1904 note.

(3) For purposes of this subsection, the term "Pay Board" means the Pay Board established under section 7 of Executive Order 11640 of January 27, 1972 (37 Fed. Reg. 1213), or any other entity to which is transferred, or in which is vested, the functions of the Board established under such section.

SEC. 103. The District of Columbia Teachers' Salary Act of 1955 is further amended as follows:

(1)(A) The fourth sentence of section 2(a) of such Act (D.C. Code, sec. 31–1511(a)) is amended to read as follows: "No teacher, school officer, or other employee shall be appointed or promoted to any position covered by section 1 of this Act on probationary or permanent status unless he possesses a master's degree, except that (1) a person possessing a bachelor's degree may be appointed on probationary or permanent status as a teacher in the elementary or secondary schools or as a coordinator of practical nursing; (2) a person possessing a bachelor's degree may be promoted to the position of census supervisor or coordinator of practical nursing; (3) a person not possessing a bachelor's degree may be appointed on probationary or permanent status as a—

"(A) shop teacher in the vocational education program,
"(B) teacher of military science and tactics,
"(C) teacher of driver training,
"(D) attendance officer, or
"(E) child labor inspector,

if he submits acceptable evidence of equivalent training and experience in accordance with the rules of the Board; and (4) a person not possessing a bachelor's degree may be appointed on a probationary or permanent status as a census supervisor, or promoted to that position, if he submits acceptable evidence of equivalent training and experience in accordance with the rules of the Board."

Appointment and promotion requirements.
69 Stat. 523; 76 Stat. 1231.
Ante, p. 1005.

(B) The fifth sentence of such section is repealed.

Repeal.

(2) Section 4 of such Act (D.C. Code, sec. 31–1521) is amended to read as follows:

Salary classes, assignment.
84 Stat. 362.

"SEC. 4. (a) Each teacher, school officer, or other employee in the service of the Board of Education on the effective date of the District of Columbia Teachers' Salary Act Amendments of 1972 who occupies a position covered by this Act and listed in this subsection shall be placed in a salary class in the salary schedule contained in section 1 of this Act as follows:

"Title	Class
Superintendent	1A
Vice superintendent	1B
Deputy superintendent	2A
Associate superintendent	2B
Assistant superintendent	3
Executive assistant to superintendent	3
Director of curriculum	4
Chief examiner	5
Executive assistant (to deputy and associate superintendents)	5
Director, career development	5
Director, vocational high schools	5
Director, Spingarn instructional unit	5
Assistants to assistant superintendents	6
Director, elementary education (supervision and instruction)	6
Director, elementary education (administration)	6
Director, health, physical education, athletics, and safety	6
Assistants to superintendent, vice superintendent, and deputy superintendents	6
Director, staff development	6
Director, special education	6
Director, elementary education (language arts)	6
Principal	6
Supervising director	7
Assistant for Federal programs	7
Research associate	7
Planning associate	7
Director, school attendance	7

"Title	Class
Director, elementary education	7
Director, adult education	7
Director, summer schools and continuing education	7
Area coordinator	7
Assistant principal	8
Assistant director	8
Director, group measurement	8
Director, Project 400	8
Youth Act coordinator	8
Assistant chief examiner	8
Recruitment coordinator	8
Budget analyst	9
Assistant director	10
Research associate	10
Planning associate	10
Assistant recruitment coordinator	10
Elementary supervisor	10
Coordinator (aides)	10
Director of reading	10
Coordinator of Widening Horizons program	10
Teacher aide coordinator, title I	10
Cultural enrichment coordinator	10
Curriculum specialist	11
Clinical psychologist	12
Chief attendance officer	12
Educational specialist	13
Psychiatric social worker	13
Clinical social worker	13
Project coordinator	13
Coordinator of practical nursing	14
Census supervisor	14
Teacher, elementary and secondary schools	15
Attendance officer	15
Counselor, placement	15
Counselor, elementary and secondary schools	15
Librarian, elementary and secondary schools	15
School social worker	15
School psychologist	15
Speech therapist	15
Hearing therapist	15
Job coordinator	15
Pupil personnel worker	15
Child labor inspector	15.

"(b) The Board of Education, in accordance with sections 2(a) and 5(b) of this Act, shall place in a salary class in the salary schedule contained in section 1 of this Act each teacher, school officer, or other employee in the service of the Board of Education on the effective date of the District of Columbia Teachers' Salary Act Amendments of 1972 who occupies a position covered by this Act but not listed in subsection (a) of this section.

Ante, p. 1009.
69 Stat. 525;
72 Stat. 1009.
D.C. Code 31-1522.
Ante, p. 1005.

"(c) The classifications prescribed by subsection (a) of this section of positions to salary classes in the salary schedule contained in section 1 of this Act do not affect the authority of the Board of Education under sections 2(a) and 5(b) of this Act to make adjustments in the classification of any position under the Board or to take any other action authorized by those sections."

80 Stat. 1598.

(3) Section 5(c) of such Act (D.C. Code, sec. 31–1522(c)) is amended by striking out "5333(a)" and inserting in lieu thereof "5332(a)".

(4) Section 7(a)(1) of such Act (D.C. Code, sec. 31–1532(a)(1)) is amended by—

(A) striking out in the fourth sentence "except the positions of chief librarian and assistant professor, associate professor, and professor,";

(B) inserting immediately after the fourth sentence the following new sentence: "In the case of a person who is newly appointed to any position in salary class 3, 4, 5, or 6, who is determined by the Board of Education to possess unique or unusually high qualifications of special need to the school system, and whose annual salary immediately prior to such appointment was higher than the rate of compensation prescribed for service step 1 of his salary class, such person may, in the discretion of the Board of Education, have his compensation fixed at the rate of compensation prescribed for service step 2 or 3 of his salary class."; and

(C) striking out the last sentence.

80 Stat. 1599. D.C. Code 31-1532.

(5) Section 10 of such Act (D.C. Code, sec. 31–1535) is amended by—

(A) striking out in paragraph (1) of subsection (a) "date of the regular Board meeting" and inserting in lieu thereof "first day"; and

(B) adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (a) or any other provision of this or any other law, the Board of Education is authorized to correct on a retroactive basis any administrative error occurring in the application of subsection (a)."

Promotions, effective date. 84 Stat. 363.

(6) Section 13 of such Act (D.C. Code, sec. 31–1542) is amended by—

(A) striking out in the second sentence of paragraph (2) of subsection (d) "in the same manner as regular pay"; and

(B) striking out in the third sentence of such paragraph "81" and inserting in lieu thereof "83".

Extra duty activity, compensation. 84 Stat. 364. 80 Stat. 1601.

(7) Section 14 of such Act (D.C. Code, sec. 31–1543) is amended to read as follows:

"SEC. 14. Except as otherwise provided in this section, each employee whose annual salary is prescribed by the salary schedule contained in section 1 of this Act shall have his annual salary paid in twenty-four semimonthly installments. Semimonthly installment payments of the salaries of such employees shall be made on the first and sixteenth days of the month (or as near those days as is practicable); except that in lieu of receiving on such days the first semimonthly installment payment of salary payable in August and the three succeeding semimonthly installment payments of salary, an employee in salary class 15 of such salary schedule may elect, under regulations prescribed by the Commissioner of the District of Columbia, to receive on the date of the second semimonthly installment payment of his salary in July an amount equal to the sum of (1) the amount of such payment, and (2) the amounts of the four succeeding semimonthly installment payments of salary payable to him."

Salary payments, employee election. 84 Stat. 364. *Ante*, p. 1005.

(8) Section 15 of such Act (D.C. Code, sec. 31–1544) is amended to read as follows:

"SEC. 15. On and after September 1, 1972, the Act of March 5, 1952 (D.C. Code, secs. 31–698—698a) (relating to vacation periods and annual leave) shall apply to employees of the Board of Education whose salaries are fixed in salary classes 1 through 14, inclusive, of the salary schedule contained in section 1 of this Act."

76 Stat. 1235. 66 Stat. 14; 67 Stat. 362.

(9) Section 16 of such Act (D.C. Code, sec. 31–1545) is amended to read as follows:

"SEC. 16. On and after September 1, 1972, the Act of October 13, 1949 (D.C. Code, sec. 31–691 et seq.) (relating to sick and emergency leave) shall apply to employees of the Board whose salaries are fixed in salary class 15 of the salary schedule contained in section 1 of this Act."

69 Stat. 529; 76 Stat. 1235. 63 Stat. 842; 82 Stat. 140.

SEC. 104. (a) The third paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:", under the center heading "PUBLIC SCHOOLS." in the first section of the Act of May 26, 1908 (D.C. Code, sec. 31–609) is amended to read as follows:

35 Stat. 291; 84 Stat. 364.

"Effective September 1, 1972, in the case of an employee who is in salary class 15 of the salary schedule contained in section 1 of the District of Columbia Teachers' Salary Act of 1955 or any other employee of the Board of Education who is paid on a ten-month basis, if such employee's services commence with the opening of school and he performs his duties, his salary shall begin on the first day of September and shall be paid in twenty-four semimonthly installments (except as provided in section 14 of the District of Columbia Teachers' Salary Act of 1955). The first semimonthly installment payment of the salaries of such employees shall be made on the first day of October (or as near that day as is practicable) and the second semimonthly installment payment of such salaries shall be made on the sixteenth day of October (or as near that day as is practicable). Subsequent semimonthly installment payments of salaries shall be made on the first and sixteenth days of the month (or as near those days as is practicable). The salaries of other employees of the Board of Education in such salary class 15 shall begin when they enter upon their duties and shall be paid on a semimonthly basis."

Ante, p. 1005.

Ante, p. 1011.

(b) The first sentence in the fourth paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of such Act (D.C. Code, sec. 31–630), is amended to read as follows: "Effective September 1, 1972, the following rules for division of time and computation of pay for services rendered are established: Compensation of all employees in salary class 15 and such other employees who are paid on a ten-month basis shall be paid in twenty-four semimonthly installments (except as provided in section 14 of the District of Columbia Teachers' Salary Act of 1955)."

84 Stat. 365.

Effective date.

SEC. 105. The effective date of this title (other than section 102(c) thereof) and the amendments made by this title shall be the first day of the first pay period beginning on or after September 1, 1972.

TITLE II—REVISIONS IN RETIREMENT BENEFITS FOR SCHOOL TEACHERS AND OFFICERS

SEC. 201. The Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946, is amended as follows:

Annuity, computation. 66 Stat. 17; 81 Stat. 748.

(1) Paragraph (1) of section 5(b) of such Act (D.C. Code, sec. 31–725(b)(1)) is amended by striking out the first three sentences and inserting in lieu thereof the following: "A reduced annuity and an annuity after death payable to the surviving widow or widower of such teacher. The life annuity of a teacher making such election, or any portion of such annuity designated by the teacher in writing for such purposes at the time of retirement, shall be reduced by 2½ per centum of so much thereof as does not exceed $3,600 and by 10 per centum of so much thereof as exceeds $3,600. The widow or widower of a teacher making such election shall be entitled to an annuity equal to 55 per centum of such life annuity, or designated portion thereof, except that if a retired teacher who has elected a reduced annuity as provided in this paragraph or in subsection (d) of this section dies and is survived by a widow or widower whom he or she married after retirement, such widow or widower is entitled to an annuity in an amount which would have been paid had the teacher been married

Post, p. 1013.

to the widow or widower at the time of retirement, but only if (A) such widow or widower was married to such individual for at least two years immediately preceding the teacher's death, or is the mother or father of issue of such marriage, and (B) such widow or widower elects this annuity instead of any other suvivor benefit to which he or she may be entitled under this Act or another retirement system for employees of the Federal or District Government. The annuity of a widow or widower entitled to an annuity under this paragraph shall begin on the day after the retiree dies."

(2) Section 5 of such Act (D.C. Code, sec. 31–725) is amended by adding at the end thereof the following new subsection: Annuity computation. 66 Stat. 17; 84 Stat. 258.

"(d) A teacher who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing filed with the Commissioner of the District of Columbia within one year after he or she marries, a reduction in his or her current annuity and an annuity after death payable to his or her surviving widow or widower as provided in paragraph (1) of subsection (b) of this section. The reduced annuity is effective the first day of the month after such election is received by the Commissioner. The election voids prospectively any election previously made under paragraph (2) or paragraph (3) of subsection (b) of this section."

(3) The first paragraph of section 8 of such Act (D.C. Code, sec. 31–728) is amended by— Leaves of absence. 66 Stat. 19; 84 Stat. 257.

(A) striking out in the first sentence "that the total credit granted for leaves of absence without pay shall not exceed one year: *Provided further*," and

(B) inserting after the first sentence the following new sentence: "A teacher or former teacher who returns to duty after a period of separation is deemed, for the purpose of this section, to have been in a leave of absence without pay for that part of the period in which he or she was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based." 5 USC 8101.

(4) Section 9 of such Act (D.C. Code, sec. 31–729) is amended by— Survivor annuities. 84 Stat. 258.

(A) striking out "dependent" in paragraph (1) of subsection (b) each place it appears therein;

(B) amending the second sentence of paragraph (1) of subsection (b) to read as follows: "Such annuity and any right thereto shall terminate on the last day of the month before (A) the widow or widower dies, or (B) the widow or widower remarries before becoming sixty years of age.";

(C) striking out in paragraph (3) of subsection (b) "dependent widower" and inserting in lieu thereof "widower"; and

(D) striking out the second sentence of paragraph (5) of subsection (c). 71 Stat. 48.

SEC. 202. (a) Effective on the first day of the first pay period which begins on or after the date of enactment of this Act, such Act of August 7, 1946, is further amended as follows:

(1) The first paragraph of section 8 of such Act (D.C. Code, sec. 31–728) is amended by striking out "probationary" in the first sentence and in clause (f) of the fourth sentence. 69 Stat. 536.

(2) The first sentence of section 13 of such Act (D.C. Code, sec. 31–733) is amended by striking out "permanently". 60 Stat. 881.

(b) The first sentence of section 19 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1548) is amended by striking out "probationary and permanent". 69 Stat. 529.

Transfer of funds.

(c) All—

(1) deductions for the Civil Service Retirement and Disability Fund made for annuity and retirement purposes from the salaries of temporary teachers on the rolls of the public schools of the District of Columbia on the first day of the first pay period which begins on or after the date of enactment of this Act,

(2) contributions made for such purposes for such teachers by the government of the District of Columbia to the Fund on account of the deductions referred to in clause (1), and

(3) deposits made in the Fund for such purposes by such teachers on account of their services as temporary teachers in such schools,

are transferred from the Fund to the credit of the District of Columbia Teachers' Retirement and Annuity Fund. Any teacher with respect to whom funds are transferred by this subsection shall be deemed to have consented and agreed to such transfer. The transfer of funds under this subsection shall be a complete discharge and acquittance of all claims and demands against the Civil Service Retirement and Disability Fund on account of services rendered by such a teacher prior to the first day of the first pay period which begins on or after the date of enactment of this Act.

Service steps, placement.
69 Stat. 527; 80 Stat. 1599.

SEC. 203. (a) Section 7 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1532) is amended by adding at the end the following new subsection:

"(d) Notwithstanding the provisions of subsection (a)(1) of this section, any educational employee who was employed by the Board of Education at the District of Columbia Teachers College and who was transferred to the Board of Higher Education pursuant to the authority conferred by section 103(a)(12) of the District of Columbia Public Education Act (D.C. Code, sec. 31–1603(a)(12)), and who wishes to be reappointed to a position under the Board of Education shall receive salary placement credit for the intervening years of service at the District of Columbia Teachers College as if he had had continuous service with the Board of Education if—

80 Stat. 1427.

"(1) there is no break in service between the termination of employment by the Board of Higher Education and the reappointment by the Board of Education; and

"(2) such service is credited to the District of Columbia Teachers' Retirement and Annuity Fund, either by deductions made for such retirement system or by the purchase of credit for such service for deposit in such fund."

(b) Section 8 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 3, 1946 (D.C. Code, sec. 31–728), is amended by adding the following new paragraph at the end thereof:

Ante, p. 1013.

"Notwithstanding the provisions of this section, any teacher who is entitled to purchase service credit under the provisions of section 7(d) of the District of Columbia Teachers' Salary Act of 1955 shall purchase such credit based on the salary received from the Board of Higher Education during the period of service to be credited."

Supra.

Effective dates.

SEC. 204. (a) The provisions of the first and third sentences of section 5(b)(1) of the Act of August 7, 1946, as amended by section 201(1) of this title, which entitle a widow or widower of a teacher who married the teacher after his retirement to a survivor annuity, shall not apply in the cases of teachers or annuitants who died before the date of enactment of this title. The rights of such persons shall continue in the same manner and to the same extent as if such amendments had not been enacted.

Ante, p. 1012.

(b) The provisions of the second and third sentences of such section 5(b)(1), as amended by section 201(1) of this title, which authorize a teacher to designate that portion of his life annuity which may be subject to reduction for purposes of providing a survivor annuity, shall apply only to teachers retiring after the date of enactment of this title. *Ante*, p. 1012.

(c) The amendment made by section 201(2) of this title shall apply to a retired teacher who was unmarried at the time of retirement, but who later married, only if the election is made within one year after the date of enactment of this title.

(d) The amendment made by section 201(3)(A) of this title shall apply only to teachers retiring after the date of enactment of this title.

(e) The amendment made by section 201(3)(B) of this title is effective only with respect to annuity accruing for full months beginning after the date of enactment of this title; but any part of a period of separation referred to in such amendment in which the employee or former employee was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based shall be counted whether the employee returns to duty before, on, or after such date of enactment. With respect to any person retired before such date of enactment, any such part of a period of separation shall be counted only with application of the former employee.

(f) The amendments made by section 201(4) of this title shall not apply in the cases of teachers or annuitants who died before the date of enactment of this title. The right of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

TITLE III—AMENDMENTS INCREASING CERTAIN TAXES IN THE DISTRICT OF COLUMBIA

Motor vehicle excise tax.

SEC. 301. (a) Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–603(j)), is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum". 63 Stat. 128; 83 Stat. 172.

Effective date.

(b) The effective date of the amendment made by subsection (a) is the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

Cigarette tax.

SEC. 302. (a) Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2802(a)) is amended by striking out "4 cents" and inserting in lieu thereof "6 cents". 63 Stat. 137; 83 Stat. 173.

Effective date.

(b) The effective date of the amendment made by subsection (a) is the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

(c)(1) The amendment made by subsection (a) shall apply with respect to cigarette tax stamps purchased on or after the effective date of the amendment.

(2) In the case of cigarette tax stamps which have been purchased prior to the effective date of the amendment made by subsection (a) and which on such date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with paragraph (3)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of the amendment made by subsection (a). 63 Stat. 136. D.C. Code 47-2801 note.

(3) Within twenty days after the effective date of the amendment made by subsection (a), each such licensee (A) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which the amendment made by subsection (a) becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (B) shall pay to the Commissioner the amount specified in paragraph (2).

Recordkeeping.

(4) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of the amendment made by subsection (a) the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this subsection.

(5) For purposes of this subsection, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

Penalty.

(6) A violation of the provisions of paragraph (2), (3), or (4) of this subsection shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2810).

63 Stat. 139; 84 Stat. 581.

Utilities, taxes.

SEC. 303. (a) Paragraph numbered 5 of section 6 of the Act entitled "An Act making appropriations to provide for expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (D.C. Code, sec. 47–1701), is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum".

53 Stat. 1107; 70 Stat. 599.

Effective date.

(b) The amendment made by subsection (a) shall apply to the gross receipts of each gas company, electric lighting company, and telephone company for the year ending June 30, 1972, and for each succeeding year ending on the thirtieth day of June.

Approved October 21, 1972.

Public Law 92-519

AN ACT

October 21, 1972
[S. 4059]

To provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the blood alcohol content.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

District of Columbia Implied Consent Act.

Definitions.

(1) The term "Commissioner" means the Commissioner of the District, or his designated agent;

(2) The term "District" means the District of Columbia;

(3) The term "license" means any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District, including—

(A) any temporary or learner's permit;

(B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(C) any nonresident's operating privilege;

(4) The term "nonresident" means every person who is not a resident of the District;

(5) The term "nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of the District relating to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District; and

(6) The term "police officer" means an officer or member of the Metropolitan Police force, the United States Park Police force, or the Capitol Police force, or any other person actually and officially engaged in the performance of police duties in connection with guarding the property of the United States or of the District.

(7) The term "specimen" means that quantity of a person's blood, breath, or urine necessary to conduct a chemical test or tests to determine blood alcoholic content.

Motor vehicle operators, blood-alcohol content tests.

SEC. 2. (a) Any person, other than one described in subsection (b) of this section, who operates a motor vehicle within the District shall be deemed to have given his consent, subject to the provisions of this Act, to two chemical tests of his blood, breath, or urine, whichever he may elect, for the purpose of determining blood-alcohol content. However, when the election of a particular test, such as a blood test requiring a physician or registered nurse, causes unreasonable delay or inconvenience, the arresting officer or other appropriate law enforcement officer shall elect which chemical test should be administered. In such a case, the operator can only object to a particular test on valid religious or medical grounds. The tests shall be administered at the direction of a police officer who, having arrested such person for a violation of law, has reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within the District while under the influence of intoxicating liquor.

Administration.

Accidents.

(b) Any person who operates a motor vehicle within the District of Columbia and who is involved in a motor vehicle collision or accident in which death or personal injury results shall submit, subject to the provisions of this Act, to two chemical tests of his blood, breath, or urine, for the purpose of determining blood alcoholic content whenever a police officer (i) arrests such person for a violation of law, and (ii) has reasonable grounds to believe such person to have been driving or in actual physical control of a motor vehicle within the District while under the influence of an intoxicating liquor. However, when the election of a particular test, such as a blood test requiring a physician or registered nurse, causes unreasonable delay or inconvenience, the arresting officer or other appropriate law enforcement officer shall elect which chemical test should be administered. In such a case, the operator can only object to a particular test on valid religious or medical grounds.

SEC. 3. Only a physician or registered nurse acting at the request of a police officer may withdraw blood for the purpose of determining the alcoholic content thereof. This limitation shall not apply to the taking of a breath or urine specimen. The person tested may, in addition to submitting to the two tests administered at the direction of a police officer, also submit to a chemical test or tests administered to him by a physician, registered nurse, or other person of his own choosing who is qualified to administer such test or tests. The failure or inability to obtain an additional test by a person shall not preclude the admission of the tests taken at the direction of a police officer.

Test information, availability.

SEC. 4. Full information concerning the tests administered under this Act shall be made available to the person from whom a specimen was obtained. Prior to administering the tests the police officer shall advise the operator of the motor vehicle about the requirements of this Act.

Test refusal, penalty.

SEC. 5. (a) If a person under arrest refuses to submit to chemical testing as provided in section 2(a) he shall be informed that failure to submit to such test will result in the revocation of his license. If such person, after having been so informed, still refuses to submit to chemical testing, no test shall be given, but the Commissioner, upon receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor, and that the person had refused to submit to the two tests, shall revoke his license for a period of six months; or if the person is a resident without a license to operate a motor vehicle in the District, the Commissioner shall deny to the person the issuance of a license for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

Incapacitated persons.

(b) Any person who is unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by section 2 of this Act and the two tests may be given: except, that if such person thereafter objects to the use of the evidence so secured, such evidence shall not be used and the license of such person shall be revoked, or, if he is a resident without a license, no license shall be issued to him for a period of six months.

License revocation or denial order. Hearing.

SEC. 6. (a) Whenever any license has been revoked or denied under the provisions of this Act, the reasons therefor shall be set forth in the order of revocation or denial, as the case may be. Such order shall take effect five days after service of notice on the person whose license is to be revoked or who is to be denied a license unless such person shall have filed within such period written application with the Commissioner for a hearing. Such hearing by the Commissioner shall cover the issues of—

(1) whether a police officer had reasonable grounds to believe such person had been driving or was in actual control of a motor vehicle upon the public street or highway while under the influence of intoxicating liquor; and

(2) whether such person, having been placed under arrest, refused to submit to the test or tests, after having been informed of the consequences of such refusal.

(b) If, following the hearing provided in subsection (a) of this section, the Commissioner shall sustain the order of revocation, the same shall become effective immediately.

Judicial review.

SEC. 7. Any person aggrieved by a final order of the Commissioner revoking his license or denying him a license under the authority of this Act, may obtain a review thereof in accordance with section 11 of the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510).

84 Stat. 582.

Test evidence.

SEC. 8. The Act approved March 4, 1958 (72 Stat. 30; D.C. Code, sec. 40–609a) is amended (a) by striking out the subsection designation "a" in the first section; (b) by striking out in paragraph (2) "fifteen one-hundredths", "eight one-hundredths", and "twenty one-hundredths", and inserting in lieu thereof "ten one-hundredths", "six one-hundredths", and "eleven one-hundredths", respectively; (c) by striking out in paragraph (3) "fifteen one-hundredths" and "twenty one-hundredths" and inserting in lieu thereof "ten one-hundredths" and "eleven one-hundredths" respectively; and (d) by striking out subsections (b), (c), and (d) of the first section, and section 2.

Short title.

SEC. 9. This Act shall be known and may be cited as the "District of Columbia Implied Consent Act".

Approved October 21, 1972.

Public Law 92-520

AN ACT

October 21, 1972
[S. 3943]

To amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, 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 "Dwight D. Eisenhower Memorial Bicentennial Civic Center Act."

Dwight D. Eisenhower Memorial Bicentennial Civic Center Act.

SEC. 2. The Congress hereby finds and declares that—

(1) it is essential to the social and economic development of the District of Columbia to establish major centers of commercial and economic activity within the city;

(2) such a center of activity would result from the development of a civic center located in the downtown area of the District of Columbia;

(3) a civic center would (A) attract large numbers of visitors to the downtown area and result in increased business activity in the area surrounding the center; (B) enable national organizations to hold their conventions and other meetings in the District of Columbia and thereby encourage citizens from the entire Nation to visit their Capital City; (C) provide a new source of revenue for the District of Columbia as a consequence of its operations and the expanded commercial activities resulting therefrom; and (D) provide expanded employment opportunities for residents of the District of Columbia;

(4) it is fitting that said civic center be established as a memorial to the late President, Dwight D. Eisenhower;

(5) the prompt provision of major convention facilities in the District of Columbia will significantly contribute to the commemoration of the Nation's bicentennial year; and

(6) the powers conferred by this Act are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest.

SEC. 3. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended by adding at the end thereof the following new section:

Ante, p. 216.

"SEC. 18. (a) In order to provide for the District of Columbia facilities for the holding of conventions, exhibitions, meetings, and other social, cultural, and business activities, the Commissioner of the District of Columbia (hereinafter, 'Commissioner') is authorized to provide for the development, construction, operation, and maintenance of the civic center to be designated as the Dwight D. Eisenhower Memorial Bicentennial Civic Center on a site in the Northwest section of the District of Columbia within an area bounded by Eighth Street, H Street, Tenth Street, New York Avenue, and K Street.

"(b)(1) Such civic center shall be in accordance with a plan, indicating the design and estimated costs, approved by the Commissioner and the District of Columbia Council, and approved by the National Capital Planning Commission pursuant to section 5 of the National Capital Planning Act of 1952 (D.C. Code, sec. 1–1005) and section 16 of the Act approved June 20, 1938 (D.C. Code, sec. 5–428), and reviewed by the Commissioner of Fine Arts to the extent required by section 1 of the Act approved May 16, 1930 (D.C. Code, sec. 5–410).

66 Stat. 787.
52 Stat. 802.
46 Stat. 366; 53 Stat. 1144.

Urban renewal plan.

60 Stat. 798; 72 Stat. 1104.

"(2) Notwithstanding the provisions of section 12 of the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, sec. 5–711), the urban renewal plan, approved pursuant to section 6(b)(2) of such Act (D.C. Code, sec. 5–705(b)(2)), for an urban renewal area in which the civic center is located shall be deemed to be modified by the plan approved pursuant to this subsection and the National Capital Planning Commission shall certify such urban renewal plan, as modified, to the District of Columbia Redevelopment Land Agency.

"(3) In the development of the civic center in accordance with the plan approved pursuant to this subsection, the Commissioner, notwithstanding any other provision of law, may open, extend, widen, or close any street, road, highway, or alley, or part thereof, by the filing of a plat or plats in the Office of the Surveyor of the District of Columbia showing such opening, extension, widening, or closing.

Land acquisition.

"(c) The Commissioner shall acquire by purchase, gift, condemnation, or otherwise, all real property necessary to provide for the civic center.

Contract authority.

"(d)(1) The Commissioner is authorized to enter into purchase contracts, including negotiated contracts, for the financing, design, construction, and maintenance of the civic center. The Commissioner is further authorized to lease the site described in subsection (a) at a nominal rental for a period of not more than thirty-five years. The payment term of said purchase contracts shall not be more than thirty years from the date of acceptance of the civic center and such purchase contracts shall provide that title to the civic center shall vest in the District of Columbia at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in the purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

"(2) Such purchase contracts shall include such provisions as the Commissioner, in his discretion, shall deem to be in the best interest of the District of Columbia and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the Commissioner. The purchase contracts shall provide for payments to be made to—

"(A) amortize the cost of site acquisition, including relocation payments required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and such other moneys as may be advanced by the contractors to the District of Columbia;

84 Stat. 1894. 42 USC 4601 note.

"(B) amortize the cost of construction of improvements to be constructed;

Interest rate.

"(C) provide a reasonable rate of interest on the outstanding principal as determined under subparagraphs (A) and (B) above; and

"(D) reimburse the contractors for the cost of any other obligations required of them under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractors.

"(3) For the purpose of the purchase contracts provided by this subsection for the erection of the civic center, the Commissioner is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity to effectuate any of the purposes of this subsection.

"(4) No purchase contract for the construction of such civic center shall be entered into, pursuant to the authority of this section, until thirty legislative days following submittal to and approval by the Senate and House Committees for the District of Columbia, and the Senate and House Committees on Appropriations, of the design, plans, and specifications, including detailed cost estimates, of such civic center.

"(e) The full faith and credit of the Government of the District of Columbia is hereby committed to guarantee, upon such terms and conditions as may be prescribed by the Commissioner, the fulfillment of all obligations imposed by the provision of this section.

Gifts, services and property, acceptance.

"(f)(1) The Commissioner is authorized to accept and administer gifts, personal services, securities, or other property of whatever character to aid in carrying out the purposes of this section.

Operation.

"(2) The Commissioner is further authorized to provide for the operation of any or all aspects of the civic center by any department or agency of the Government of the District of Columbia, or may provide for the performance of such operations, including the use or rental of the civic center or its equipment, motor vehicle parking facilities, concessions, and other activities, by contract entered into with any person, copartnership, corporation, or other public or private entity, upon such terms and conditions as may be stipulated in the agreements, and for such purposes may utilize or employ the services of personnel of any agency or instrumentality of the United States or the District of Columbia, with the consent of such agency or instrumentality, upon a reimbursable or nonreimbursable basis, and may utilize voluntary or uncompensated personnel."

Appropriation.

SEC. 4. (a) There is authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary to carry out the purposes of this Act. Such sums shall remain available for obligation until expended.

(b) There is authorized to be appropriated, without fiscal year limitation and out of any money in the Treasury not otherwise appropriated, not to exceed $14 million for a contribution to the District of Columbia as the Federal share of carrying out the purposes of this Act.

Federal buildings, designations.

Richard B. Russell Federal Building.

SEC. 5. The Federal office building and United States courthouse to be constructed in the southwest portion of that block bounded by Mitchell Street, Pryor Street, Central Avenue, and Trinity Avenue, in Atlanta, Georgia, is hereby designated as the "Richard B. Russell Federal Building", in memory of the late Richard Brevard Russell, a distinguished Member of the United States Senate from 1933 to 1971, and any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Richard B. Russell Federal Building".

William M. Colmer Federal Building.

SEC. 6. The Federal building to be constructed in the block bounded by the west side of New Orleans Avenue, north of Main Street, and the east of Jackson Street, in Hattiesburg, Mississippi, shall hereafter be known and designated as the "William M. Colmer Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "William M. Colmer Federal Building".

Thomas G. Abernethy Federal Building.

SEC. 7. The Federal building to be constructed in the block of West Commerce Street bounded on the west side by Columbus Street and on the east side by James Street, in Aberdeen, Mississippi, shall hereafter be known and designated as the "Thomas G. Abernethy Federal Building". Any reference in a law, map, regulation, document,

record, or other paper of the United States to such Federal building shall be held to be a reference to the "Thomas G. Abernethy Federal Building".

J. Edgar Hoover F.B.I. Building.

SEC. 8. The Federal building being constructed in the block bounded by Ninth Street Northwest, Tenth Street Northwest, E Street Northwest, and Pennsylvania Avenue Northwest, in the District of Columbia, shall hereafter be known and designated as the "J. Edgar Hoover F.B.I. Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "J. Edgar Hoover F.B.I. Building".

John C. Watts Building.

SEC. 9. The Federal office building now under construction in the Capital Plaza area of Frankfort, Kentucky, is hereby designated as the "John C. Watts 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. Watts Building".

Frank T. Bow Federal Building.

SEC. 10. The Federal building in the block bounded by Second Street Southwest, Third Street Southwest, Cleveland Avenue South, and Dewalt Avenue South, in Canton, Ohio, shall hereafter be known and designated as the "Frank T. Bow Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "Frank T. Bow Federal Building".

H. Allen Smith Jet Propulsion Laboratory.

SEC. 11. The jet propulsion laboratory at 4800 Oak Grove Drive, Pasadena, California, shall hereafter be known and designated as the "H. Allen Smith Jet Propulsion Laboratory". Any reference in a law, map, regulation, document, record, or other paper of the United States to such jet propulsion laboratory shall be held to be a reference to the "H. Allen Smith Jet Propulsion Laboratory".

George P. Miller Federal Building.

SEC. 12. The Federal building at 1515 Clay Street, Oakland, California, shall hereafter be known and designated as the "George P. Miller 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 "George P. Miller Federal Building".

Durward G. Hall Federal Building.

SEC. 13. The United States courthouse and Federal building at 302 Joplin Street, Joplin, Missouri, shall hereafter be known and designated as the "Durward G. Hall 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 "Durward G. Hall Federal Building".

Emanuel Celler Federal Building.

SEC. 14. The United States courthouse and Federal building at 225 Cadman Plaza, Brooklyn, New York, shall hereafter be known and designated as the "Emanuel Celler 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 "Emanuel Celler Federal Building".

Charles R. Jonas Federal Building.

SEC. 15. The post office, United States courthouse and Federal building at 401 West Trade Street, Charlotte, North Carolina, shall hereafter be known and designated as the "Charles R. Jonas 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 "Charles R. Jonas Federal Building".

Alton Lennon Federal Building.

SEC. 16. The United States courthouse and Federal building at the corner of Princess Street and Water Street, Wilmington, North Carolina, shall hereafter be known and designated as the "Alton Lennon

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 "Alton Lennon Federal Building".

Jackson E. Betts Federal Building.

SEC. 17. The post office and Federal building now under construction in the block bounded on the north by East Sixth Street, west by North Diamond Street, south by East Fifth Street, and east by North Adams Street, Mansfield, Ohio, shall hereafter be known and designated as the "Jackson E. Betts 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 "Jackson E. Betts Federal Building".

William R. Hull Federal Building.

SEC. 18. The Federal building in the block bounded on the north by Edmond Street, south by Charles Street, west by Eighth Street, and east by Ninth Street, St. Joseph, Missouri, shall hereafter be known and designated as the "William R. Hull 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 "William R. Hull Federal Building".

Edward A. Garmatz Federal Building.

SEC. 19. The United States courthouse and Federal building to be constructed in the block bounded on the north side by Lombard Street, east by Hanover Street, south by Pratt Street, and west by Hopkins Place, Baltimore, Maryland, shall hereafter be known and designated as the "Edward A. Garmatz 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 "Edward A. Garmatz Federal Building".

Hastings Keith Federal Building.

SEC. 20. The post office and Federal building to be constructed in New Bedford, Massachusetts, under authority of the Public Buildings Amendments of 1972, Public Law 92–313, shall hereafter be known and designated as the "Hastings Keith 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 "Hastings Keith Federal Building".

Ante, p. 216.

Page Belcher Federal Building.

SEC. 21. The post office and Federal building at 333 West Fourth Street, Tulsa, Oklahoma, shall hereafter be known and designated as the "Page Belcher 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 "Page Belcher Federal Building".

Watkins M. Abbitt Federal Building.

SEC. 22. The Federal building at the corner of Main Street and High Street, Farmville, Virginia, shall hereafter be known and designated as the "Watkins M. Abbitt 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 "Watkins M. Abbitt Federal Building".

Richard H. Poff Federal Building.

SEC. 23. The Federal building to be constructed in Roanoke, Virginia, under authority of the Public Buildings Amendments of 1972, Public Law 92–313, shall hereafter be known and designated as the "Richard H. Poff 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 "Richard H. Poff Federal Building".

Winston Prouty Federal Building.

SEC. 24. The post office and Federal office building at the corner of Lincoln and Central Streets, Essex Junction, Vermont, shall hereafter be known and designated as the "Winston Prouty 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 "Winston Prouty Federal Building".

Karl. E. Mundt Federal Building.

SEC. 25. The Earth Resources Observation System Facilities Development Foundation at 101 West Ninth Street, Sioux Falls, South Dakota, shall hereafter be known and designated as the "Karl E. Mundt Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall he held to be a reference to the "Karl E. Mundt Federal Building".

Mary Switzer Memorial Building.

SEC. 26. The Department of Health, Education, and Welfare South Building located at 330 C Street Southwest, Washington, District of Columbia, is hereby designated, and shall be known as, the "Mary Switzer Memorial 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 "Mary Switzer Memorial Building".

Philip J. Philbin Federal Office Building.

SEC. 27. The Federal office building to be constructed in Fitchburg, Massachusetts, on the site bounded by Maine and Academy Streets on the Marrman Parkway, is hereby designated and shall be known as the "Philip J. Philbin Federal Office 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 "Philip J. Philbin Federal Office Building".

Allen J. Ellender Post Office and Federal Office Building.

SEC. 28. The post office and Federal office building to be constructed in the block bounded by Grinage Street, Verret Street, Lafayette Street, and High Street in Houma, Louisiana, is hereby designated as the "Allen J. Ellender Post Office and Federal Office Building", in memory of the late Allen J. Ellender. Any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Allen J. Ellender Post Office and Federal Office Building".

L. Mendel Rivers Federal Building.

SEC. 29. The Federal building at 334 Meeting Street, Charleston, South Carolina, shall hereafter be known and designated as the "L. Mendel Rivers 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 "L. Mendel Rivers Federal Building".

George W. Andrews Federal Building.

SEC. 30. The United States courthouse and Federal building at the corner of Avenue A and Seventh Street, Opelika, Alabama, shall hereafter be known and designated as the "George W. Andrews 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 "George W. Andrews Federal Building".

John L. McMillan Federal Building.

SEC. 31. The Federal building to be constructed in Florence, South Carolina, on the site bounded east by Sanborn Street, west of North McQueen Street, and north by West Evans Street, shall hereafter be known and designated as the "John L. McMillan 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 L. McMillan Federal Building".

Wayne N. Aspinall Federal Building.

SEC. 32. The United States courthouse and Federal building located at 400 Rood Avenue, Grand Junction, Colorado, shall hereafter be known and designated as the "Wayne N. Aspinall 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 "Wayne N. Aspinall Federal Building".

Johnson J. Hayes Building.

SEC. 33. The post office, United States courthouse and Federal building at 207 West Main Street, Wilkesboro, North Carolina, shall hereafter be known and designated as the "Johnson J. Hayes 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 "Johnson J. Hayes Building".

SEC. 34. The effective period for each provision relating to the Speaker of the House of Representatives in the Ninety-first Congress which is contained in H. Res. 1238 Ninety-first Congress, as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (84 Stat. 1989), is hereby extended for an additional two years from the date on which (but for this section) such provision would expire.

Prince Jonah Kuhio Kalanianaole Building.

SEC. 35. The United States courthouse and Federal building to be constructed in the block bounded by the proposed Makai Street, Halekauwila Street, Kakaako Street, and Ala Moana Boulevard, in Honolulu, Hawaii, shall hereafter be known and designated as the "Prince Jonah Kuhio Kalanianaole 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 "Prince Jonah Kuhio Kalanianaole Building".

Leo W. O'Brien Federal Building.

SEC. 36. The Federal office building to be constructed in the city of Albany, New York, is hereby designated as the "Leo W. O'Brien Federal Building", in honor of Leo W. O'Brien, a distinguished Member of the United States House of Representatives from 1952 to 1967, and any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Leo W. O'Brien Federal Building".

William J. Green Jr. Federal Building.

SEC. 37. The United States Federal office building to be constructed in the block bounded on the south side by Market Street, north by Art Street, east by Sixth Street, and west by Seventh Street, Philadelphia, Pennsylvania, shall hereafter be known and designated as the "William J. Green Jr. 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 "William J. Green Jr. Federal Building".

James A. Byrne Federal Courthouse.

SEC. 38. The United States courthouse to be constructed in the block bounded on the south side by Market Street, north by Art Street, east by Sixth Street, and west by Seventh Street, Philadelphia, Pennsylvania, shall hereafter be known and designated as the "James A. Byrne Federal Courthouse". 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 "James A. Byrne Federal Courthouse".

Anthony J. Celebrezze Federal Building.

SEC. 39. The Federal building at East Ninth Street and Lakeside Avenue, Cleveland, Ohio, shall hereafter be known and designated as the "Anthony J. Celebrezze 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 "Anthony J. Celebrezze Federal Building".

John W. Byrnes Post Office and Federal Building.

SEC. 40. The post office and Federal building at Jefferson and Walnut Streets, Green Bay, Wisconsin, shall hereafter be known and designated as the "John W. Byrnes Post Office and 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 W. Byrnes Post Office and Federal Building".

Effective dates.

SEC. 41. (a) Except as provided in subsection (b), this Act shall take effect on the date of its enactment.

(b) Sections 6 and 7, sections 10 through 23, inclusive, sections 25, 31, 32, 38, and 40 shall take effect January 4, 1973.

Approved October 21, 1972.

Public Law 92-521

October 21, 1972
[S. 493]

AN ACT

To authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes.

Eagle Cap Wilderness, Oreg. Additional lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the areas proposed for addition to the Eagle Cap Wilderness as generally depicted on a map entitled "Proposed additions to the Eagle Cap Wilderness", dated August 1, 1972, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, are hereby designated for addition to and a part of the Eagle Cap Wilderness, Wallowa and Whitman National Forests, Oregon, which addition comprises an area of approximately 72,420 acres.

Map and description, filing with congressional committees.

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 Eagle Cap Wilderness as revised by this Act with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such 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 legal description and map may be made.

Administration.

SEC. 3. The additions to the Eagle Cap Wilderness provided by this Act shall be administered as a part of the Eagle Cap Wilderness 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.

78 Stat. 890
16 USC 1131 note.

Lower Minam, review, report to President.

SEC. 4. Within five years from the date of enactment of this Act, the Secretary shall review those lands depicted on the map referenced in section 1 of this Act as the "Wilderness Study Area" comprising about 32,000 acres, commonly referred to as the Lower Minam, and shall report to the President, in accordance with subsections 3(b) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (b) and (d)), his recommendation as to the suitability or nonsuitability of any area within the above area for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Approved October 21, 1972.

Public Law 92-522

AN ACT

October 21, 1972
[H.R. 10420]

To protect marine mammals; to establish a Marine Mammal Commission; 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, with the following table of contents, may be cited as the "Marine Mammal Protection Act of 1972".

Marine Mammal Protection Act of 1972.

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Sec. 207. Authorization of appropriations.

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(3) there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken immediately to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and conservation of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the otpimum carrying capacity of the habitat.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II of this Act, determines that the number of individuals within a species or population stock—

(A) has declined to a significant degree over a period of years;

(B) has otherwise declined and that if such decline continues, or is likely to resume, such species would be subject to the provisions of the Endangered Species Conservation Act of 1969; or

(C) is below the optimum carrying capacity for the species or stock within its environment.

80 Stat. 926; 83 Stat. 283. 16 USC 668aa note.

(2) The terms "conservation" and "management" mean the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Such terms include the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within these terms, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(3) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and, in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(4) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the mammal involved.

(5) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(6) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(7) The term "moratorium" means a complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products, except as provided in this Act.

(8) The term "optimum carrying capacity" means the ability of a given habitat to support the optimum sustainable population of a species or population stock in a healthy state without diminishing the ability of the habitat to continue that function.

(9) The term "optimum sustainable population" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

(10) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(11) The term "population stock" or "stock" means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature.

(12) The term "Secretary" means—

(A) the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating, as to all responsibility, authority, funding, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, funding, and duties under this Act with respect to all other marine mammals covered by this Act.

(13) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(14) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(15) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091–1094).

EFFECTIVE DATE

SEC. 4. The provisions of this Act shall take effect upon the expiration of the sixty-day period following the date of its enactment.

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

MORATORIUM AND EXCEPTIONS

SEC. 101. (a) There shall be a moratorium on the taking and importation of marine mammals and marine mammal products, commencing on the effective date of this Act, during which time no permit may be issued for the taking of any marine mammal and no marine mammal or marine mammal product may be imported into the United States except in the following cases:

(1) Permits may be issued by the Secretary for taking and importation for purposes of scientific research and for public display if—

(A) the taking proposed in the application for any such permit, or

(B) the importation proposed to be made,

is first reviewed by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II of this Act. The Commission and Committee shall recommend any proposed taking or importation which is consistent with the purposes and policies of section 2 of this Act. The Secretary shall, if he grants approval for importation, issue to the importer concerned a certificate to that effect which shall be in such form as the Secretary of the Treasury prescribes and such importation may be made upon presentation of the certificate to the customs officer concerned.

Commercial fishing operations.

(2) During the twenty-four calendar months initially following the date of the enactment of this Act, the taking of marine mammals incidental to the course of commercial fishing operations shall be permitted, and shall not be subject to the provisions of sections 103 and 104 of this title: *Provided*, That such taking conforms to such conditions and regulations as the Secretary is authorized and directed to impose pursuant to section 111 hereof to insure that those techniques and equipment are used which will produce the least practicable hazard to marine mammals in such commercial fishing operations. Subsequent to such twenty-four months, marine mammals may be taken incidentally in the course of commercial fishing operations and permits may be issued thereof pursuant to section 104 of this title, subject to regulations prescribed by the Secretary in accordance with section 103 hereof.

Incidental killing or injury, restriction.

In any event it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee on Scientific Advisors on Marine Mammals to prepare for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four-month period. The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. The Secretary shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States.

Waiver.

(3) (A) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, is authorized and directed, from time to time, having due regard to the distribution, abundance, breeding habits, and times and lines of migratory movements of such marine mammals, to determine when, to what extent, if at all, and by what means, it is compatible with this Act to waive the requirements of this section so as to allow taking, or importing of any marine mammal, or any marine mammal product, and to adopt suitable regulations, issue permits, and make determinations in accordance with sections 102, 103, 104, and 111 of this title permitting and governing such taking and importing, in accordance with such determinations: *Provided, however*, That the Secretary, in making such determinations, must be assured that the taking of such marine

Regulations; permit requirement.

mammal is in accord with sound principles of resource protection and conservation as provided in the purposes and policies of this Act: *Provided further, however*, That no marine mammal or no marine mammal product may be imported into the United States unless the Secretary certifies that the program for taking marine mammals in the country of origin is consistent with the provisions and policies of this Act. Products of nations not so certified may not be imported into the United States for any purpose, including processing for exportation.

Endangered species.

(B) Except for scientific research purposes as provided for in paragraph (1) of this subsection, during the moratorium no permit may be issued for the taking of any marine mammal which is classified as belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969 or has been designated by the Secretary as depleted, and no importation may be made of any such mammal.

80 Stat. 926; 83 Stat. 283. 16 USC 668aa note.

Alaskan natives, exemptions.

(b) The provisions of this Act shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan natives who reside in Alaska, or

(2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing: *Provided*, That only authentic native articles of handicrafts and clothing may be sold in interstate commerce: *And provided further*, That any edible portion of marine mammals may be sold in native villages and towns in Alaska or for native consumption. For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to weaving, carving, stitching, sewing, lacing, beading, drawing, and painting; and

"Authenic native articles of handicrafts and clothing."

(3) in each case, is not accomplished in a wasteful manner.

Depleted species or stocks, regulations.

Notwithstanding the preceding provisions of this subsection, when, under this Act, the Secretary determines any species or stock of marine mammal subject to taking by Indians, Aleuts, or Eskimos to be depleted, he may prescribe regulations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in this subsection. Such regulations may be established with reference to species or stocks, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the purposes of this Act. Such regulations shall be prescribed after notice and hearing required by section 103 of this title and shall be removed as soon as the Secretary determines that the need for their imposition has disappeared.

(c) In order to minimize undue economic hardship to persons subject to this Act, other than those engaged in commercial fishing operations referred to in subsection (a) (2) of this section, the Secretary, upon any such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, may exempt such person or class of persons from provisions of this Act for no more than one year from the date of the enactment of this Act, as he determines to be appropriate.

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PROHIBITIONS

SEC. 102. (a) Except as provided in sections 101, 103, 104, 111, and 113 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) except as expressly provided for by an international treaty, convention, or agreement to which the United States is a party and which was entered into before the effective date of this title or by any statute implementing any such treaty, convention, or agreement—

(A) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States; or

(B) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with the taking or importation of marine mammals or marine mammal products; and

(3) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal; and

(4) for any person to use, in a commercial fishery, any means or methods of fishing in contravention of any regulations or limitations, issued by the Secretary for that fishery to achieve the purposes of this Act.

(b) Except pursuant to a permit for scientific research issued under section 104(c) of this title, it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted species or stock or which has been listed as endangered under the Endangered Species Conservation Act of 1969; or

80 Stat. 926; 83 Stat. 283. 16 USC 688aa note.

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this title; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection; or

(B) the sale in commerce of such product in the country of origin of the product is illegal;

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner which the Secretary has proscribed for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

Nonapplicability.

(d) Subsections (b) and (c) of this section shall not apply—

(1) in the case of marine mammals or marine mammal prod-

ucts, as the case may be, to which subsection (b)(3) of this section applies, to such items imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(2) in the case of marine mammals or marine mammal products to which subsection (c)(1)(B) or (c)(2)(B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

(e) This Act shall not apply with respect to any marine mammal taken before the effective date of this Act, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date.

REGULATIONS ON TAKING OF MARINE MAMMALS

SEC. 103. (a) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, shall prescribe such regulations with respect to the taking and importing of animals from each species of marine mammal (including regulations on the taking and importing of individuals within population stocks) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species and population stocks and will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such regulations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken or imported, including but not limited to the effect of such regulations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine ecosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The regulations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken or imported in any calendar year pursuant to permits issued under section 104 of this title;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken or imported, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken or imported;

(4) the manner and locations in which animals may be taken or imported; and

(5) fishing techniques which have been found to cause undue fatalities to any species of marine mammal in a fishery.

(d) Regulations prescribed to carry out this section with respect to any species or stock of marine mammals must be made on the record after opportunity for an agency hearing on both the Secretary's deter-

Moratorium waiver, hearing.

mination to waive the moratorium pursuant to section 101(a)(3)(A) of this title and on such regulations, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe regulations under this section—

Regulatory statements and studies, publication.

(1) a statement of the estimated existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed regulations on the optimum sustainable population of such species or population stock;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such regulations; and

(4) any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations.

Review.

(e) Any regulation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems consistent with and necessary to carry out the purposes of this Act.

Report to Congress; publication in Federal Register.

(f) Within six months after the effective date of this Act and every twelve months thereafter, the Secretary shall report to the public through publication in the Federal Register and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this title to assure the well-being of such marine mammals.

PERMITS

SEC. 104. (a) The Secretary may issue permits which authorize the taking or importation of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 103 of this title, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

Importation for display or research.

(c) Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision,

care, and transportation which must be observed pursuant to and after such taking or importation. Any person authorized to take or import a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

Report.

(d) (1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

Application procedures.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

Notice, publication in Federal Register.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable regulations established under section 103 of this title.

(4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary may, within sixty days following such date of publication, afford to such party or parties an opportunity for such a hearing.

Hearing.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

Publication in Federal Register.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the applicant for a permit resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

Judicial review.

80 Stat. 392. 5 USC 701.

(e) (1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

Modification authority.

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 103 of this title, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) Whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit

Hearing.

Judicial review.

application under paragraph (5) of subsection (d) of this section.

Publication in Federal Register.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized or taking importation;

(2) the period of any transit of such person or agent which is incident to such taking or importation; and

(3) any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

Fee.

(g) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

General permits.

(h) Consistent with the regulations prescribed pursuant to section 103 of this title and to the requirements of section 101 of this title, the Secretary may issue general permits for the taking of such marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each unlawful taking or importation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure 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.

Notice; hearing.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for each such violation, or imprisoned for not more than one year, or both.

VESSEL FINE, CARGO FORFEITURE, AND REWARDS

SEC. 106. (a) Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall have its entire cargo or the monetary value thereof subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to the cargo of any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

Penalty.

(b) Any vessel subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be liable for a civil penalty of not more than $25,000. Such penalty shall be assessed by the district court of the United States having jurisdiction over the vessel. Clearance of a vessel against which a penalty has been assessed, from a port of the United States, may be withheld until such penalty is paid, or until a bond or otherwise satisfactory surety is posted. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States having jurisdiction over the vessel.

Information leading to conviction, reward.

(c) Upon the recommendation of the Secretary, the Secretary of the Treasury is authorized to pay an amount equal to one-half of the fine incurred but not to exceed $2,500 to any person who furnishes information which leads to a conviction for a violation of this title. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

ENFORCEMENT

Federal personnel, utilization.

SEC. 107. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

State officers and employees.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees 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.

Warrants.

(c) The judges of the district courts of the United States and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

Arrest and seizure, authority.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process, or without a warrant if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, search such vessel or conveyance and arrest such person;

(3) seize the cargo of any vessel or other conveyance subject to the jurisdiction of the United States used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of

this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

Seizure.

(e)(1) Whenever any cargo or marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 105 (a) or (b) of this title. All marine mammals or marine mammal products or other cargo so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product or other cargo so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

Notification.

Bond posting.

(2) The Secretary may, with respect to any proceeding under section 105 (a) or (b) of this title, in lieu of holding any marine mammal or marine mammal product or other cargo, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

Forfeiture.

(3)(A) Upon the assessment of a penalty pursuant to section 105 (a) of this title, all marine mammals and marine mammal products or other cargo seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 105(b) of this title, all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, at the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product or other cargo so seized—

(A) a civil penalty is assessed under section 105(a) of this title and no judicial action is commenced to obtain the forfeiture of such mammal or product within thirty days after such assessment, such marine mammal or marine mammal product or other cargo shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 105(b) of this title, such marine mammal or marine mammal product or other cargo shall immediately be returned to the owner or consignee if the Secretary does not, with thirty days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 105(a) of this title.

INTERNATIONAL PROGRAM

SEC. 108. (a) The Secretary, through the Secretary of State, shall—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of all marine mammals covered by this Act;

(2) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which are found by the Secretary to be unduly harmful to any species of marine mammal, for the purpose of entering into bilateral and multilat-

eral treaties with such countries to protect marine mammals. The Secretary of State shall prepare a draft agenda relating to this matter for discussion at appropriate international meetings and forums;

(3) encourage such other agreements to promote the purposes of this Act with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(4) initiate the amendment of any existing international treaty for the protection and conservation of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this Act;

(5) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, for the purposes of (A) the negotiation of a binding international convention for the protection and conservation of all marine mammals, and (B) the implementation of paragraph (3) of this section; and

International ministerial meeting on marine animals.

(6) provide to the Congress by not later than one year after the date of the enactment of this Act a full report on the results of his efforts under this section.

Report to Congress.

(b) (1) In addition to the foregoing, the Secretary shall—

North Pacific fur seals, study.

(A) in consultation with the Marine Mammal Commission established by section 201 of this Act, undertake a study of the North Pacific fur seals to determine whether herds of such seals subject to the jurisdiction of the United States are presently at their optimum sustainable population and what population trends are evident; and

(B) in consultation with the Secretary of State, promptly undertake a comprehensive study of the provisions of this Act, as they relate to North Pacific fur seals, and the provisions of the North Pacific Fur Seal Convention signed on February 9, 1957, as extended (hereafter referred to in this subsection as the "Convention"), to determine what modifications, if any, should be made to the provisions of the Convention, or of this Act, or both, to make the Convention and this Act consistent with each other.

8 UST 2283; 15 UST 316; 20 UST 2992.

The Secretary shall complete the studies required under this paragraph not later than one year after the date of enactment of this Act and shall immediately provide copies thereof to Congress.

Study copies, transmittal to Congress.

(2) If the Secretary finds—

Convention, modification negotiations.

(A) as a result of the study required under paragraph (1) (A) of this subsection, that the North Pacific fur seal herds are below their optimum sustainable population and are not trending upward toward such level, or have reached their optimum sustainable population but are commencing a downward trend, and believes the herds to be in danger of depletion; or

(B) as a result of the study required under paragraph (1) (B) of this subsection, that modifications of the Convention are desirable to make it and this Act consistent;

8 UST 2283; 15 UST 316; 20 UST 2292.

he shall, through the Secretary of State, immediately initiate negotiations to modify the Convention so as to (i) reduce or halt the taking of seals to the extent required to assure that such herds attain and remain at their optimum sustainable population, or (ii) make the Convention and this Act consistent; or both, as the case may be. If negotiations to so modify the Convention are unsuccessful, the Secretary shall, through the Secretary of State, take such steps as may be necessary to continue the existing Convention beyond its present termination date so as to continue to protect and conserve the North Pacific fur seals and to prevent a return to pelagic sealing.

Time extension.

FEDERAL COOPERATION WITH STATES

SEC. 109. (a) (1) Except as otherwise provided in this section, no State may adopt any law or regulation relating to the taking of marine mammals within its jurisdiction or attempt to enforce any State law or regulation relating to such taking.

Law enforcement.

(2) Any State may adopt and enforce any laws or regulations relating to the protection and taking, within its jurisdiction, of any species or population stock of marine mammals if the Secretary determines, after review thereof, that such laws and regulations will be consistent with (A) the regulations promulgated under section 103 of this title with respect to such species or population stock, and (B) such other provisions of this Act, and any rule or regulation promulgated pursuant to this title, which apply with respect to such species or population stock. If the Secretary determines that any such State laws and regulations are so consistent, the provisions of this Act, except this section and sections 101 (except to the extent that the Secretary waives the application of section 101 to permit such State laws and regulations to take effect) and 110 of this title, and title II of this Act, shall not apply with respect to the species or population stock concerned within the jurisdiction of the State.

State laws and regulations, review.

(3) Notwithstanding the preceding provisions of this subsection and the provisions of subsection (c) of this section, the Secretary shall continuously monitor and review the laws and regulations of any State which has assumed responsibility for marine mammals as provided for in paragraph (2) of this subsection. Whenever the Secretary finds that the laws and regulations of any such State are not in substantial compliance with either paragraph (1) or (2), or both, he shall resume responsibilities under this Act for the marine mammals concerned within the jurisdiction of that State, superseding such State laws and regulations to the extent which, after notice and opportunity for hearing, he deems necessary.

Mammals, taking for humane purposes.

(4) Nothing in this Act shall prevent a State or local government official or employee, in the course of his duties as an official or employee, from taking a marine mammal in a humane manner if such taking (A) is for the protection or welfare of such mammal or for the protection of the public health and welfare, and (B) includes steps designed to assure the return of such mammal to its natural habitat.

Grants to States.

(b) The Secretary is authorized to make grants to each State whose laws and regulations relating to protection and management of marine mammals which primarily inhabit waters or lands within the boundaries of that State are found to be consistent with the purposes and policies of this Act. The purpose of such grants shall be to assist such States in developing and implementing State programs for the protection and management of such marine mammals. Such grants shall not exceed 50 per centum of the costs of a particular program's development and implementation. To be eligible for such grants, State programs shall include planning and such specific activities, including, but not limited, to research, censusing, habitat acquisition and improvement, or law enforcement as the Secretary finds contribute to the purposes and policies of this Act. The Secretary may also, as a condition of any such grant, provide that State agencies report at regular intervals on the status of species and populations which are the subject of such grants.

Limitation.

Eligibility.

Report.

(c) The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the delegation to such State of the administration and enforcement of this title: *Provided*, That any such arrangement shall contain such provisions as the Secretary deems appropriate to insure that the purposes and policies of this Act will be carried out.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and conservation of marine mammals.

(b) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States and shall be made after review by the Marine Mammal Commission.

(c) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $2,500,000, one-third of such sum to be available to the Secretary of the Interior and two-thirds of such sum to be made available to the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating.

Appropriation.

Limitation.

COMMERCIAL FISHERIES GEAR DEVELOPMENT

SEC. 111. (a) The Secretary of the department in which the National Oceanic and Atomspheric Administration is operating (hereafter referred to in this section as the "Secretary") is hereby authorized and directed to immediately undertake a program of research and development for the purpose of devising improved fishing methods and gear so as to reduce to the maximum extent practicable the incidental taking of marine mammals in connection with commercial fishing. At the end of the full twenty-four calendar month period following the date of the enactment of this Act, the Secretary shall deliver his report in writing to the Congress with respect to the results of such research and development. For the purposes of this section, there is hereby authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1973, and the same amount for the next fiscal year. Funds appropriated for this section shall remain available until expended.

Research and development.

Report to Congress.

Appropriation.

(b) The Secretary, after consultation with the Marine Mammal Commission, is authorized and directed to issue, as soon as practicable, such regulations, covering the twenty-four-month period referred to in section 101(a)(2) of this title, as he deems necessary or advisable, to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations. Such regulations shall be adopted pursuant to section 553 of title 5, United States Code. In issuing such regulations, the Secretary shall take into account the results of any scientific research under subsection (a) of this section and, in each case, shall provide a reasonable time not exceeding four months for the persons affected to implement such regulations.

Regulations.

80 Stat. 383.

(c) Additionally, the Secretary and Secretary of State are directed to commence negotiations within the Inter-American Tropical Tuna Commission in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the maximum extent feasible the incidental taking of marine mammals by vessels involved in the tuna fishery. The Secretary and Secretary of State are further directed to request the Director of Investigations of the Inter-American Tropical Tuna Commission to make recommendations to all member nations

Inter-American Tropical Tuna Commission, compliance.

of the Commission as soon as is practicable as to the utilization of methods and gear devised under subsection (a) of this section.

Research and observation.

(d) Furthermore, after timely notice and during the period of research provided in this section, duly authorized agents of the Secretary are hereby empowered to board and to accompany any commercial fishing vessel documented under the laws of the United States, there being space available, on a regular fishing trip for the purpose of conducting research or observing operations in regard to the development of improved fishing methods and gear as authorized by this section. Such research and observation shall be carried out in such manner as to minimize interference with fishing operations. The Secretary shall provide for the cost of quartering and maintaining such agents. No master, operator, or owner of such a vessel shall impair or in any way interfere with the research or observation being carried out by agents of the Secretary pursuant to this section.

REGULATIONS AND ADMINISTRATION

SEC. 112. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

Federal agencies, cooperation.

(b) Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

Contract authority.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

Annual review.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest in a manner consistent with the purposes of policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

Report to Congress.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 113. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty, convention, or agreement, or any statute implementing the same, which may otherwise apply to the taking of marine mammals. Upon a finding by the Secretary that the provisions of any international treaty, convention, or agreement, or any statute implementing the same has been made applicable to persons subject to the provisions of this title in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations, section 105 of this title may not apply to such persons.

Repeal.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska water", approved June 16, 1934 (16 U.S.C. 659), is repealed.

48 Stat. 976.

AUTHORIZATION OF APPROPRIATIONS

SEC. 114. (a) There are authorized to be appropriated not to exceed $2,000,000 for the fiscal year ending June 30, 1973, and the four next following fiscal years to enable the department in which the National Oceanic and Atmospheric Administration is operating to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated not to exceed $700,000 for the fiscal year ending June 30, 1973, and not to exceed $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b)(1) The Commission shall be composed of three members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences, of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States except as a retired officer or retired civilian employee of the United States. Membership.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office. Term.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members. Chairman.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for 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. 5 USC 5332 note. 80 Stat. 499; 83 Stat. 190.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign. Executive Director. 5 USC 101 et seq.

DUTIES OF COMMISSION

Sec. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the Interim Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

49 Stat. 3079.
64 Stat. 421.
16 USC 916 note.
8 UST 2283; 15 UST 316; 20 UST 2992.

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their protection and conservation, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications for permits for scientific research;

80 Stat. 1091.
16 USC 1151 note.

(3) undertake or cause to be undertaken such other studies as it deems necessary or desirable in connection with its assigned duties as to the protection and conservation of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necesary or desirable for the protection and conservation of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals, and suggest appropriate international arrangements for the protection and conservation of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

80 Stat. 926; 83 Stat. 283.
16 USC 668aa note.

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

Reports and recommendations.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

Public information.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

81 Stat. 54.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Establishment.

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee").

Membership.

Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chair-

man after consultation with the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences.

Compensation.

(b) Except for United States Government employees, members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for 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.

5 USC 5332 note.

80 Stat. 499; 83 Stat. 190.

Recommendations.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

Transmittal to Federal agency and congressional committees.

COMMISSION REPORTS

Report to Congress.

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202 of this Act together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

80 Stat. 416.

(5) incur such necessary expenses and exercise such other powers, as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Serv-

ices Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000. Not less than two-thirds of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 202(a) (2) and (3) of this title.

Approved October 21, 1972.

Public Law 92-523

October 21, 1972
[H.R. 16987]

AN ACT

To amend the Act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

Commerce Department maritime programs.
Appropriation increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of August 22, 1972 (86 Stat. 617; Public Law 92–402) is amended by striking out of paragraph (a) thereof the figure $280,000,000 and inserting in lieu thereof the figure $455,000,000.

Approved October 21, 1972.

Public Law 92-524

October 21, 1972
[S. 1973]

AN ACT

To provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes.

Thaddeus Kosciuszko Home National Historic Site, Pa.
Establishment.
Land acquisition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the development of a suitable memorial to General Thaddeus Kosciuszko, great Polish patriot and hero of the American Revolution, the Secretary of the Interior is authorized to acquire by donation or purchase with donated funds the property at the northwest corner of Third and Pine Streets specifically designated as 301 Pine Street and/or 342 South Third Street, Philadelphia, Pennsylvania, including improvements thereon, together with such adjacent land and interests therein as the Secretary may deem necessary for the establishment and administration of the property as a national memorial.

Administration.

SEC. 2. The property acquired pursuant to the first section of this Act shall be known as the Thaddeus Kosciuszko National Memorial and it shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

Appropriation.

SEC. 3. There are hereby authorized to be appropriated not more than $592,000 for the development of the national memorial.

Approved October 21, 1972.

82-081 O - 73 - 67

Public Law 92-525

AN ACT

October 21, 1972
[H.R. 8756]

To provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and interpret for the benefit and inspiration of the people a site containing significant archeological values, including the irrigation systems in the valleys of central Arizona developed by the Hohokam and Pima Indians, and their descendants, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Hohokam Pima National Monument (hereinafter referred to as the "monument"). Such monument, which shall not exceed two thousand acres in size, shall comprise lands in the vicinity of and including the Snaketown archeological site on the Gila River Indian Reservation, Arizona, as generally depicted on the drawing entitled "Boundary Map Snaketown National Monument", numbered NM–SNA 20,003–A, and dated October 1971. The monument may be established by the Secretary when he determines that the beneficial interest in a sufficient amount of land has been transferred to constitute an efficiently administrable unit.

Hohokam Pima National Monument, Ariz. Establishment.

SEC. 2. (a) The Gila River Indian Community Council (hereinafter referred to as the "council") for the Gila River Indian Community (hereinafter referred to as the "community") may acquire the beneficial interest in any allotted lands located within the boundaries of the monument and may, in exchange therefor, convey to such allottees, or their successors in interest, the beneficial interest in any lands of at least equal value outside the boundaries of the monument which are held in trust for the benefit of the community. In arranging such equal exchanges with allottees the council may acquire beneficial whole or fractionated interests in tracts outside the boundaries of the monument. When the council is unable to acquire such interests, it may request that the Secretary, on its behalf and with funds which it provides, acquire such beneficial interest in any lands within the boundaries of the monument, and the Secretary may acquire such interest by condemnation.

Beneficial interest, acquisition authority.

(b) The council is authorized to transfer to the Secretary the beneficial interest in any lands held in trust for the benefit of the community, including such interests as are acquired pursuant to subsection (a) of this section, located within the boundaries of the monument. In exchange for such transfer, the Secretary shall declare that title to public lands of at least equal value which are under his jurisdiction are held in trust for the community.

Beneficial interest, transfer.

SEC. 3. (a) The administration and protection of the Hohokam Pima National Monument shall be exercised by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1 et seq.); except that the council shall be permitted to develop and operate revenue-producing visitor services and facilities within such monument in accordance with plans and regulations of the Secretary. Any revenues resulting from the operation of such services and facilities may be retained by the council.

Administration.

Revenue-producing services.

(b) An appropriate portion of any admission fees attributable to such services and facilities may, in accordance with an agreement between the Secretary and the Council, be transferred to the council.

Admission fees, transfer.

SEC. 4. There are hereby authorized to be appropriated not more than $135,000 for the acquisition of lands and not more than $1,781,000 for the development of the monument.

Appropriation.

Approved October 21, 1972.

82-081 O - 73 - 69

Public Law 92-526

October 21, 1972
[S. 3671]

AN ACT

To amend provisions of law relating to the Administrative Conference of the United States.

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

Administrative Conference of the U.S.

SECTION 1. Section 575 of title 5, United States Code, is amended—

80 Stat. 390

(a) by amending paragraph (10) of subsection (c) to read as follows:

Studies.

"(10) organize and direct studies ordered by the Assembly or the Council, to contract for the performance of such studies with any public or private persons, firm, association, corporation, or institution under title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251–260),

63 Stat. 393.

and to use from time to time, as appropriate, experts and consultants who may be employed in accordance with section 3109 of this title at rates not in excess of the maximum rate of pay for grade GS–15 as provided in section 5332 of this title;";

80 Stat. 416.

5 USC 5332 note.

(b) by redesignating paragraphs (11) and (12) of subsection (c) as paragraphs (14) and (15) respectively and by adding the following new paragraphs:

Services and facilities, use.

"(11) utilize, with their consent, the services and facilities of Federal agencies and of State and private agencies and instrumentalities with or without reimbursement;

Gifts and bequests.

"(12) accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding and facilitating the work of the Conference. Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Chairman. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests. For purposes of Federal income, estate, or gift taxes, property accepted under this section shall be considered as a gift, devise, or bequest to the United States;

Voluntary services.

"(13) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b));".

83 Stat. 446.

SEC. 2. Section 576 of title 5, United States Code, is amended to read as follows:

"§ 576. Appropriations

"There are authorized to be appropriated sums necessary not in excess of $760,000 for the fiscal year ending June 30, 1974, $805,000 for the fiscal year ending June 30, 1975, $850,000 for the fiscal year ending June 30, 1976, $900,000 for the fiscal year ending June 30, 1977, and $950,000 for the fiscal year ending June 30, 1978, and for each fiscal year thereafter, to carry out the purposes of this subchapter.".

Approved October 21, 1972.

Public Law 92-527

AN ACT

October 21, 1972
[H.R. 13067]

To provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the Secretary of the Interior (hereinafter referred to as the "Secretary") may accept, maintain, develop, and administer the Mar-A-Lago National Historic Site described in the order of designation dated January 16, 1969, as a part of the national park system pursuant to the provision of the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended, at such time as the right to possession of the real and personal property comprising the historic site shall vest in the United States.

Mar-A-Lago National Historic Site, Fla.
Acceptance and administration.

(b) The Secretary is directed to use the authority contained in the Act of August 21, 1935 (supra) to enter into such agreements and to take such actions as he may deem necessary to provide for administration and for the use of the Mar-A-Lago National Historic Site as a temporary residence for visiting foreign dignitaries or heads of state or members of the executive branch of the United States Government. Any further use of this property shall be determined by the Secretary after conferring with the Mar-A-Lago National Historic Site Advisory Commission.

Use.

SEC. 2. (a) There is hereby established a Mar-A-Lago National Historic Site Advisory Commission (hereafter referred to as the "Commission").

Mar-A-Lago National Historic Site Advisory Commission.
Establishment; membership.

(b) The Commission shall be composed of five members appointed by the Secretary of the Interior for terms of three years each, as follows:

(1) One member to be appointed from recommendations submitted by the Governor of the State of Florida;

(2) One member to be appointed from recommendations submitted by the trustees appointed pursuant to the Mar-A-Lago Trust; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission, to represent the general public interest, and two of whom shall be appointed from recommendations submitted by the town council of Palm Beach, Florida.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Vacancies.

(d) Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

Expenses.

(e) The Secretary, or his designee, shall, as the circumstances require meet and consult with the Commission on general policies and specific matters related to the administration of the historic site.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

Approved October 21, 1972.

Public Law 92-528

October 21, 1972
[S. 1198]

AN ACT

To authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado.

Indian Peaks Area, Colo.
Preservation as wilderness, review.
16 USC 1132.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by State and other agencies, shall review, as to its suitability or nonsuitability for preservation as wilderness, the area (or any portion thereof) located partially in Arapaho National Forest and partially in Roosevelt National Forest, containing approximately seventy-one thousand acres, lying generally south of the southern boundary of Rocky Mountain National Park, Colorado, and commonly referred to as the "Indian Peaks Area," as generally depicted on a map entitled "Indian Peaks Study Area", dated October 4, 1972, and shall report his findings to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the designation of such area or portion thereof as "wilderness," together with maps and a definition of boundaries. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

Report to President.

(b) The review required by this Act, including any reports and recommendations with respect thereto, shall, except to the extent otherwise provided in this Act, be conducted in accordance with the applicable provisions of the Wilderness Act.

16 USC 1131 note.

SEC. 2. There is hereby authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

Appropriation.

Approved October 21, 1972.

Public Law 92-529

October 21, 1972
[H.R. 11563]

AN ACT

To amend chapter 87 of title 5, United States Code, to waive employee deductions for Federal Employees' Group Life Insurance purposes during a period of erroneous removal or suspension.

Federal employees' life insurance.
Waiver.
80 Stat. 595; 81 Stat. 219.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8706 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) If the insurance of an employee stops because of separation from the service or suspension without pay, and the separation or suspension is thereafter officially found to have been erroneous, the employee is deemed to have been insured during the period of erroneous separation or suspension. Deductions otherwise required by section 8707 of this chapter shall not be withheld from any backpay awarded for the period of separation or suspension unless death or accidental dismemberment of the employee occurs during such period."

Approved October 21, 1972.

Public Law 92-530

AN ACT

For the relief of Cass County, North Dakota.

October 21, 1972
[S. 3483]

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, under the provisions of section 125 of title 23, United States Code to Cass County, North Dakota, the sum of $85,000 for expenses incurred by Cass County, North Dakota, in reconstructing that portion of the Wild Rice Bridge which was designated as Federal-aid secondary route 639, as of September 28, 1971, and which bridge crosses the Red River between Clay County, Minnesota, and Cass County, North Dakota, such amount representing the difference between the amount paid by the United States as emergency disaster relief and the amount the United States would have paid for the reconstruction of such bridge after it was destroyed by a flood in April 1969, if the access road from Stanley Township in Cass County had been designated a Federal aid secondary road at the time such flood destroyed such bridge.

Cass County, N. Dak.
Bridge reconstruction, payment.
73 Stat. 612; 84 Stat. 1718; *Ante*, p. 503.

(b) No part of the amount appropriated in this Act shall be paid or delivered 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 subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not in excess of $1,000.

Penalty.

Approved October 21, 1972.

Public Law 92-531

AN ACT

Relating to compensation of members of the National Commission on the Financing of Postsecondary Education.

October 23, 1972
[H. R. 16883]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 140(b) of the Education Amendments of 1972 is amended by adding at the end thereof the following new paragraph:

National Commission on the Financing of Postsecondary Education.
Members, compensation.
Ante, p. 282.
5 USC 5332 note.

"(4) Members of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS–18 under section 5332 of title 5, United States Code, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission, except that members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their services on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703(b) of title 5, United States Code.

Travel expenses.
80 Stat. 499.

Approved October 23, 1972.

Public Law 92-532

October 23, 1972
[H.R. 9727]

AN ACT

To regulate the transportation for dumping, and the dumping, of material into ocean waters, and for other purposes.

Marine Protection, Research, and Sanctuaries Act of 1972.

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 "Marine Protection, Research, and Sanctuaries Act of 1972".

FINDING, POLICY, AND PURPOSE

SEC. 2. (a) Unregulated dumping of material into ocean waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

To this end, it is the purpose of this Act to regulate the transportation of material from the United States for dumping into ocean waters, and the dumping of material, transported from outside the United States, if the dumping occurs in ocean waters over which the United States has jurisdiction or over which it may exercise control, under accepted principles of international law, in order to protect its territory or territorial sea.

DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Ocean waters" means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(c) "Material" means matter of any kind or description, including, but not limited to, dredged material, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wreck or discarded equipment, rock, sand, excavation debris, and industrial, municipal, agricultural, and other waste; but such term does not mean oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161) and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163).

Ante, p. 816.

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(e) "Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(f) "Dumping" means a disposition of material: *Provided*, That it does not mean a disposition of any effluent from any outfall structure to the extent that such disposition is regulated under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), under the provisions of section 13 of the Rivers and Harbors Act

of 1899, as amended (33 U.S.C. 407), or under the provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011, et seq.), nor does it mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels: *Provided further*, That it does not mean the construction of any fixed structure or artificial island nor the intentional placement of any device in ocean waters or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program: *And provided further*, That it does not include the deposit of oyster shells, or other materials when such deposit is made for the purpose of developing, maintaining, or harvesting fisheries resources and is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program.

30 Stat. 1152.
68 Stat. 921.

(g) "District court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of Puerto Rico, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising therein.

(h) "Secretary" means the Secretary of the Army.

(i) "Dredged material" means any material excavated or dredged from the navigable waters of the United States.

(j) "High-level radioactive waste" means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels, or irradiated fuel from nuclear power reactors.

(k) "Transport" or "transportation" refers to the carriage and related handling of any material by a vessel, or by any other vehicle, including aircraft.

TITLE I—OCEAN DUMPING

PROHIBITED ACTS

SEC. 101. (a) No person shall transport from the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or except as may be authorized in a permit issued under this title, and subject to regulations issued under section 108 hereof by the Secretary of the Department in which the Coast Guard is operating, any other material for the purpose of dumping it into ocean waters.

(b) No person shall dump any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material, transported from any location outside the United States, (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States.

(c) No officer, employee, agent, department, agency, or instrumentality of the United States shall transport from any location outside the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material for the purpose of dumping it into ocean waters.

ENVIRONMENTAL PROTECTION AGENCY PERMITS

SEC. 102. (a) Except in relation to dredged material, as provided for in section 103 of this title, and in relation to radiological, chemical, and biological warfare agents and high-level radioactive waste, as provided for in section 101 of this title, the Administrator may issue permits, after notice and opportunity for public hearings, for the transportation from the United States or, in the case of an agency or instrumentality of the United States, for the transportation from a location outside the United States, of material for the purpose of dumping it into ocean waters, or for the dumping of material into the waters described in section 101(b), where the Administrator determines that such dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

(A) The need for the proposed dumping.

(B) The effect of such dumping on human health and welfare, including economic, esthetic, and recreational values.

(C) The effect of such dumping on fisheries resources, plankton, fish, shellfish, wildlife, shore lines and beaches.

(D) The effect of such dumping on marine ecosystems, particularly with respect to—

(i) the transfer, concentration, and dispersion of such material and its byproducts through biological, physical, and chemical processes,

(ii) potential changes in marine ecosystem diversity, productivity, and stability, and

(iii) species and community population dynamics.

(E) The persistence and permanence of the effects of the dumping.

(F) The effect of dumping particular volumes and concentrations of such materials.

(G) Appropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring use of such alternate locations or methods upon considerations affecting the public interest.

(H) The effect on alternate uses of oceans, such as scientific study, fishing, and other living resource exploitation, and nonliving resource exploitation.

(I) In designating recommended sites, the Administrator shall utilize wherever feasible locations beyond the edge of the Continental Shelf.

In establishing or revising such criteria, the Administrator shall consult with Federal, State, and local officials, and interested members of the general public, as may appear appropriate to the Administrator. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary. No permit shall be issued for a dumping of material which will violate applicable water quality standards.

(b) The Administrator may establish and issue various categories of permits, including the general permits described in section 104(c).

(c) The Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary, also designate sites or times within which certain materials may not be dumped.

(d) No permit is required under this title for the transportation for dumping or the dumping of fish wastes, except when deposited in harbors or other protected or enclosed coastal waters, or where the Administrator finds that such deposits could endanger health, the environment, or ecological systems in a specific location. Where the Administrator makes such a finding, such material may be deposited only as authorized by a permit issued by the Administrator under this section.

CORPS OF ENGINEERS PERMITS

SEC. 103. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, the Secretary may issue permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it into ocean waters, where the Secretary determines that the dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. Notice, public hearings.

(b) In making the determination required by subsection (a), the Secretary shall apply those criteria, established pursuant to section 102(a), relating to the effects of the dumping. Based upon an evaluation of the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States, the Secretary shall make an independent determination as to the need for the dumping. The Secretary shall also make an independent determination as to other possible methods of disposal and as to appropriate locations for the dumping. In considering appropriate locations, he shall, to the extent feasible, utilize the recommended sites designated by the Administrator pursuant to section 102(c).

(c) Prior to issuing any permit under this section, the Secretary shall first notify the Administrator of his intention to do so. In any case in which the Administrator disagrees with the determination of the Secretary as to compliance with the criteria established pursuant to section 102(a) relating to the effects of the dumping or with the restrictions established pursuant to section 102(c) relating to critical areas, the determination of the Administrator shall prevail. Unless the Administrator grants a waiver pursuant to subsection (d), the Secretary shall not issue a permit which does not comply with such criteria and with such restrictions.

(d) If, in any case, the Secretary finds that, in the disposition of dredged material, there is no economically feasible method or site available other than a dumping site the utilization of which would result in non-compliance with the criteria established pursuant to section 102(a) relating to the effects of dumping or with the restrictions established pursuant to section 102(c) relating to critical areas, he shall so certify and request a waiver from the Administrator of the specific requirements involved. Within thirty days of the receipt of the waiver request, unless the Administrator finds that the dumping of the material will result in an unacceptably adverse impact on municipal water supplies, shell-fish beds, wildlife, fisheries (including spawning and breeding areas), or recreational areas, he shall grant the waiver. Waiver.

(e) In connection with Federal projects involving dredged material, the Secretary may, in lieu of the permit procedure, issue regulations which will require the application to such projects of the same criteria, other factors to be evaluated, the same procedures, and the same requirements which apply to the issuance of permits under subsections (a), (b), (c), and (d) of this section.

PERMIT CONDITIONS

SEC. 104. (a) Permits issued under this title shall designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transport for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; (5) any special provisions deemed necessary by the Administrator or the Secretary, as the case may be, after consultation with the Secretary of the Department in which the Coast Guard is operating, for the monitoring and surveillance of the transportation or dumping; and (6) such other matters as the Administrator or the Secretary, as the case may be, deems appropriate.

(b) The Administrator or the Secretary, as the case may be, may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued by him under this title as he deems appropriate.

(c) Consistent with the requirements of sections 102 and 103, but in lieu of a requirement for specific permits in such case, the Administrator or the Secretary, as the case may be, may issue general permits for the transportation for dumping, or dumping, or both, of specified materials or classes of materials for which he may issue permits, which he determines will have a minimal adverse environmental impact.

Review.

(d) Any permit issued under this title shall be reviewed periodically and, if appropriate, revised. The Administrator or the Secretary, as the case may be, may limit or deny the issuance of permits, or he may alter or revoke partially or entirely the terms of permits issued by him under this title, for the transportation for dumping, or for the dumping, or both, of specified materials or classes of materials, where he finds that such materials cannot be dumped consistently with the criteria and other factors required to be applied in evaluating the permit application. No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for a hearing on such action as proposed.

(e) The Administrator or the Secretary, as the case may be, shall require an applicant for a permit under this title to provide such information as he may consider necessary to review and evaluate such application.

Public information.

(f) Information received by the Administrator or the Secretary, as the case may be, as a part of any application or in connection with any permit granted under this title shall be available to the public as a matter of public record, at every stage of the proceeding. The final determination of the Administrator or the Secretary, as the case may be, shall be likewise available.

(g) A copy of any permit issued under this title shall be placed in a conspicuous place in the vessel which will be used for the transportation or dumping authorized by such permit, and an additional copy shall be furnished by the issuing official to the Secretary of the department in which the Coast Guard is operating, or its designee.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title, or of the regulations promulgated under this title, or a permit issued under this title shall be liable to a civil penalty of not more than $50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing of such violation. In determining the amount of the penalty, the gravity of the violation, prior violations, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. For good cause shown, the Administrator may remit or mitigate such penalty. Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a) of this section, a person who knowingly violates this title, regulations promulgated under this title, or a permit issued under this title shall be fined not more than $50,000, or imprisoned for not more than one year, or both.

(c) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense as shall the dumping from each of several vessels, or other sources.

(d) The Attorney General or his delegate may bring actions for equitable relief to enjoin an imminent or continuing violation of this title, of regulations promulgated under this title, or of permits issued under this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(e) A vessel, except a public vessel within the meaning of section 13 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1163), used in a violation, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation a consenting party or privy to such violation. Liability. *Ante*, p. 816.

(f) If the provisions of any permit issued under section 102 or 103 are violated, the Administrator or the Secretary, as the case may be, may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation. *Ante*, pp. 1054, 1055.

(g) (1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any prohibition, limitation, criterion, or permit established or issued by or under this title. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such prohibition, limitation, criterion, or permit, as the case may be.

(2) No action may be commenced—

(A) prior to sixty days after notice of the violation has been given to the Administrator or to the Secretary, and to any alleged violator of the prohibition, limitation, criterion, or permit; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the prohibition, limitation, criterion, or permit; or

(C) if the Administrator has commenced action to impose a penalty pursuant to subsection (a) of this section, or if the Administrator, or the Secretary, has initiated permit revocation or suspension proceedings under subsection (f) of this section; or

(D) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of this title.

(3) (A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator or Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator, the Secretary, or a State agency).

Exception.

(h) No person shall be subject to a civil penalty or to a criminal fine or imprisonment for dumping materials from a vessel if such materials are dumped in an emergency to safeguard life at sea. Any such emergency dumping shall be reported to the Administrator under such conditions as he may prescribe.

RELATIONSHIP TO OTHER LAWS

SEC. 106. (a) After the effective date of this title, all licenses, permits, and authorizations other than those issued pursuant to this title shall be void and of no legal effect, to the extent that they purport to authorize any activity regulated by this title, and whether issued before or after the effective date of this title.

(b) The provisions of subsection (a) shall not apply to actions taken before the effective date of this title under the authority of the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended (33 U.S.C. 401 et. seq.).

(c) Prior to issuing any permit under this title, if it appears to the Administrator that the disposition of material, other than dredged material, may adversely affect navigation in the territorial sea of the United States, or in the approaches to any harbor of the United States, or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary and no permit shall

be issued if the Secretary determines that navigation will be unreasonably impaired.

(d) After the effective date of this title, no State shall adopt or enforce any rule or regulation relating to any activity regulated by this title. Any State may, however, propose to the Administrator criteria relating to the dumping of materials into ocean waters within its jurisdiction, or into other ocean waters to the extent that such dumping may affect waters within the jurisdiction of such State, and if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this title, may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term "State" means any State, interstate or regional authority, Federal territory or Commonwealth or the District of Columbia. "State."

(e) Nothing in this title shall be deemed to affect in any manner or to any extent any provision of the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661–666c). 60 Stat. 1080; 72 Stat. 563.

ENFORCEMENT

SEC. 107. (a) The Administrator or the Secretary, as the case may be, may, whenever appropriate, utilize by agreement, the personnel, services and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis, in carrying out his responsibilities under this title.

(b) The Administrator or the Secretary may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of his agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping, or unlawful dumping. Such enforcement activity shall include, but not be limited to, enforcement of regulations issued by him pursuant to section 108, relating to safe transportation, handling, carriage, storage, and stowage. The Secretary of the Department in which the Coast Guard is operating shall supply to the Administrator and to the Attorney General, as appropriate, such information of enforcement activities and such evidentiary material assembled as they may require in carrying out their duties relative to penalty assessments, criminal prosecutions, or other actions involving litigation pursuant to the provisions of this title. *Infra.*

REGULATIONS

SEC. 108. In carrying out the responsibilities and authority conferred by this title, the Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating are authorized to issue such regulations as they may deem appropriate.

INTERNATIONAL COOPERATION

SEC. 109. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

EFFECTIVE DATE AND SAVINGS PROVISIONS

SEC. 110. (a) This title shall take effect six months after the date of the enactment of this Act.

(b) No legal action begun, or right of action accrued, prior to the effective date of this title shall be affected by any provision of this title.

Appropriation.

SEC. 111. There are hereby authorized to be appropriated not to exceed $3,600,000 for fiscal year 1973, and not to exceed $5,500,000 for fiscal year 1974, for the purposes and administration of this title, and for succeeding fiscal years only such sums as the Congress may authorize by law.

Annual report to Congress.

SEC. 112. The Administrator shall report annually, on or before June 30 of each year, with the first report to be made on or before June 30, 1973 to the Congress, on his administration of this title, including recommendations for additional legislation if deemed necessary.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

Report to Congress.

SEC. 201. The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters and shall report from time to time, not less frequently than annually, his findings (including an evaluation of the short-term ecological effects and the social and economic factors involved) to the Congress.

SEC. 202. (a) The Secretary of Commerce, in consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(b) In carrying out his responsibilities under this section, the Secretary of Commerce, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by

the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of his activities by such channels of communication as may appear appropriate.

Annual report to Congress.

(c) In January of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by him pursuant to this section during the previous fiscal year.

(d) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the Secretary of Commerce in carrying out the purposes of this section and, to the extent permitted by law, to furnish such information as may be requested.

Inter-agency agreements.

(e) The Secretary of Commerce, in carrying out his responsibilities under this section, shall, to the extent feasible utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities (including those of the Coast Guard for monitoring purposes), and is authorized to enter into appropriate inter-agency agreements to accomplish this action.

Federal-State cooperation.

SEC. 203. The Secretary of Commerce shall conduct and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of minimizing or ending all dumping of materials within five years of the effective date of this Act.

Appropriation.

SEC. 204. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed $6,000,000.

TITLE III—MARINE SANCTUARIES

"Secretary."

SEC. 301. Notwithstanding the provisions of subsection (h) of section 3 of this Act, the term "Secretary", when used in this title, means Secretary of Commerce.

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, the Interior, and Transportation, the Administrator, and the heads of other interested Federal agencies, and with the approval of the President, may designate as marine sanctuaries those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The consultation shall include an opportunity to review and comment on a specific proposed designation.

15 UST 471.

(b) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the Secretary shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effec-

43 USC 1301.

tive sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) When a marine sanctuary is designated, pursuant to this section, which includes an area of ocean waters outside the territorial jurisdiction of the United States, the Secretary of State shall take such actions as may be appropriate to enter into negotiations with other Governments for the purpose of arriving at necessary agreements with those Governments, in order to protect such sanctuary and to promote the purposes for which it was established.

Annual report to Congress.

(d) The Secretary shall submit an annual report to the Congress, on or before November 1 of each year, setting forth a comprehensive review of his actions during the previous fiscal year undertaken pursuant to the authority of this section, together with appropriate recommendation for legislation considered necessary for the designation and protection of marine sanctuaries.

Hearings.

(e) Before a marine sanctuary is designated under this section, the Secretary shall hold public hearings in the coastal areas which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

Regulations.

(f) After a marine sanctuary has been designated under this section, the Secretary, after consultation with other interested Federal agencies, shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section.

(g) The regulations issued pursuant to subsection (f) shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign State of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag State of the vessel, no regulation applicable to ocean waters outside the territorial jurisdiction of the United States shall be applied to a person not a citizen of the United States.

Penalties.

SEC. 303. (a) Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to this title shall be liable to a civil penalty of not more than $50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(b) No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) A vessel used in the violation of a regulation issued pursuant to this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof. Liability.

(d) The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary. Jurisdiction.

SEC. 304. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed $10,000,000. Appropriation.

Approved October 23, 1972.

Public Law 92-533

AN ACT

October 23, 1972
[H.R. 15597]

To authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland.

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 4, 1961 (75 Stat. 780, 782), as amended (80 Stat. 319), is further amended by deleting "$4,132,000" and inserting "$5,657,000". Piscataway Park, Md. Additional funds.

Approved October 23, 1972.

Public Law 92-534

AN ACT

October 23, 1972
[H.R. 10384]

To release certain restrictions on the acquisition of lands for recreational development and for the protection of natural resources at fish and wildlife areas administered by the Secretary of the Interior.

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 September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k–1), is further amended to read as follows: National conservation areas. Land acquisition.

"SEC. 2. The Secretary is authorized to acquire areas of land which are suitable for—

(1) fish and wildlife-oriented recreational development, or

(2) the protection of natural resources,

and are adjacent to the said conservation areas; except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps. Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent."

Approved October 23, 1972.

Public Law 92-535

October 23, 1972
[H.R. 12186]

AN ACT

To strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes.

Bald and golden eagles. Protection. 76 Stat. 1246.

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 for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668), is amended—

(1) by inserting "(a)" immediately before "Whoever",

(2) by inserting "knowingly, or with wanton disregard for the consequences of his act", immediately before "take";

Penalties, increase.

(3) by striking out "shall be fined not more than $500 or imprisoned not more than six months, or both: *Provided*," and inserting in lieu thereof the following: "or whoever violates any permit or regulation issued pursuant to this Act, shall be fined not more than $5,000 or imprisoned not more than one year or both: *Provided*, That in the case of a second or subsequent conviction for a violation of this section committed after the date of the enactment of this proviso, such person shall be fined not more than $10,000 or imprisoned not more than two years, or both: *Provided further*, That the commission of each taking or other act prohibited by this section with respect to a bald or golden eagle shall constitute a separate violation of this section: *Provided further*, That one-half of any such fine, but not to exceed $2,500, shall be paid to the person or persons giving information which leads to conviction: *Provided further*,"; and

(4) by adding at the end thereof the following new subsections:

"(b) Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this Act, shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this Act, may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. In determining the amount of the penalty, the gravity of the violation, and the demonstrated good faith of the person charged shall be considered by the Secretary. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon any failure to pay the penalty assessed under this section, 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 or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing any such action, the court must sustain the Secretary's action if supported by substantial evidence.

Grazing agreements, cancellation authority.

"(c) The head of any Federal agency who has issued a lease, license, permit, or other agreement authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation of this Act or of any permit or regulation issued hereunder may

immediately cancel each such lease, license, permit, or other agreement. The United States shall not be liable for the payment of any compensation, reimbursement, or damages in connection with the cancellation of any lease, license, permit, or other agreement pursuant to this section."

Falconry permits. 76 Stat. 1246.

SEC. 2. Section 2 of the Act of June 8, 1940 (16 U.S.C. 668a), is amended by striking out the period at the end thereof and inserting the following: ": *Provided further*, That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may permit the taking, possession, and transportation of golden eagles for the purposes of falconry, except that only golden eagles which would be taken because of depredations on livestock or wildlife may be taken for purposes of falconry."

Enforcement. 54 Stat. 251.

SEC. 3. Section 3 of the Act of June 8, 1940 (16 U.S.C. 668b) is amended to read as follows:

"SEC. 3. (a) Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this Act may, without warrant, arrest any person committing in his presence or view a violation of this Act or of any permit or regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this Act, and by said agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this Act. Any judge of any court established under the laws of the United States, and any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

Cooperative agreements.

"(b) All bald or golden eagles, or parts, nests, or eggs thereof, taken, possessed, sold, purchased, bartered, offered for sale, purchase, or barter, transported, exported, or imported contrary to the provisions of this Act, or of any permit or regulation issued hereunder, and all guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid in the taking, possessing, selling, purchasing, bartering, offering for sale, purchase, or barter, transporting, exporting, or importing of any bird, or part, nest, or egg thereof, in violation of this Act or of any permit or regulation issued hereunder shall be subject to forfeiture to the United States.

Forfeiture.

"(c) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the 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: *Provided*, That all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this Act, be exercised or performed by the Secretary of the Interior or by such persons as he may designate."

54 Stat. 251.

SEC. 4. Section 4 of such Act of June 8, 1940 (16 U.S.C. 668c), is amended by inserting "poison" immediately after "shoot at," and by striking out "otherwise willfully".

Approved October 23, 1972.

Public Law 92-536

October 23, 1972
[S. 2411]

AN ACT

To establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

Cumberland Island National Seashore, Ga. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS–40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may after notifying the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate in writing, make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage within the boundaries shall not exceed forty thousand five hundred acres.

Boundary revisions, notification of congressional committees, publication in Federal Register.

Land acquisition.

SEC. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by purchase, donation, transfer from any Federal agency, or exchange. The Secretary may also acquire not to exceed one hundred acres of lands or interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Any lands or interests therein owned by the State of Georgia, or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

Cumberland Island Parkway, right-of-way.

SEC. 3. For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, waters, and interests therein. The Secretary is authorized to acquire only by donation those lands and interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

Administration. Regulations.

Private right of use and occupancy.

SEC. 4. (a) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occu-

pancy of the property for noncommercial residential purposes, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided, however*, That, in addition, for so long as a right of use and occupancy remains in effect by the donors of land of one hundred acres or more, the Secretary shall not, with respect to such lands, develop any public use facilities except for trails, road access, and utilities: *Provided further*, That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to January 1, 1973, and that such previous written rights and interests shall prevail over provisions of this paragraph.

Commercial use, prohibition.

(b) A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes and upon tender to the holder of a right an amount equal to the fair market value, as of the date of tender, of that portion of the right which remains unexpired on the date of termination.

"Improved property."

(c) The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before February 1, 1970 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

Little Cumberland Island, acquisition restrictions.

(d) (1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of one year from the date of enactment of this Act, except as specifically otherwise provided herein.

(2) In the event that the owners of land on Little Cumberland Island enter into an irrevocable trust or some other irrevocable agreement for the preservation of the resources of Little Cumberland Island which, in the judgment of the Secretary, assures the protection of the resources in a manner consistent with the purposes for which the seashore is established, the authority of the Secretary to acquire such lands shall be suspended for such time as the trust is in effect and the lands are used and occupied in accordance therewith.

(3) If, at any time during the one-year period following the date of enactment of this Act, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to, then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 2 of this Act.

Hunting and fishing.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

Administration.

SEC. 6. (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

Preservation in primitive state.

(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, horseback riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be permanently preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions not prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

State jurisdiction.

SEC. 7. Nothing in this Act shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

Water resource developments.

SEC. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

Report to President.

SEC. 9. Within three 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 seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Appropriation.

SEC. 10. There are authorized to be appropriated not to exceed $10,500,000 for the acquisition of lands and interests in lands and not to exceed $27,840,000 for development of the seashore.

Approved October 23, 1972.

Public Law 92-537

AN ACT

October 23, 1972
[S. 141]

To establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes.

Fossil Butte National Monument, Wyo. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for the benefit and enjoyment of present and future generations outstanding paleontological sites and related geological phenomena, and to provide for the display and interpretation of scientific specimens, the Fossil Butte National Monument (hereinafter referred to as the "monument") is hereby established, to consist of lands, waters, and interests therein within the boundaries as generally depicted on the drawing entitled "A Proposed Fossil Butte National Monument, Wyoming," Numbered FBNM–7200, dated April 1963, revised July 1964, and totaling approximately eight thousand one hundred and eighty acres. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the monument from time to time by publication of a notice to that effect in the Federal Register, except that at no time shall the boundaries encompass more than eight thousand two hundred acres.

Notice of boundary revisions, publication in Federal Register.

Administration.

SEC. 2. The Secretary shall administer the monument pursuant to the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

Land acquisition.

SEC. 3. Within the boundaries of the monument the Secretary may acquire lands and interests in lands by donation, purchase, or exchange, except that lands or interests therein owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation or exchange.

Stock grazing and watering.

SEC. 4. (a) For a period of ten years, and for not more than ten years thereafter if extended by the Secretary, the continuation of existing uses of Federal lands and waters within the monument for grazing and stock watering may be permitted if the Secretary finds that such uses will not conflict with public use, interpretation, or administration of the monument: *Provided*, That the use of lands within the monument for stock driveways shall continue in perpetuity at such places where this use will not conflict with administration of the monument.

Water surplus, disposition.

(b) Upon termination of the uses set forth in subsection (a) of this section, the Secretary of the Interior is authorized to provide for the disposition and use of water surplus to the needs of the monument, to a point or points outside the boundaries of the monument.

Appropriation.

SEC. 5. There are hereby authorized to be appropriated $378,000 for land acquisition and not to exceed $4,469,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Approved October 23, 1972.

Public Law 92-538

October 23, 1972
[H.R. 13694]

AN ACT

To amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

American Revolution Bicentennial Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

Appropriation.
Ante, p. 43.

Section 7(a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act until February 15, 1973, $3,356,000, of which not to exceed $2,400,000 shall be for grants-in-aid pursuant to section 9(1) of this Act."

Grants-in-aid.

SEC. 2. Section 9 is amended by the addition of the following new subsections:

"(2) make grants to nonprofit entities including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof) to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

"(3) in any case where money or property is donated, bequeathed, or devised to the Commission, and accepted thereby for purposes of assisting a specified nonprofit entity, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), for a bicentennial program or project, grant such money or property, plus an amount not to exceed the value of the donation, bequest, or devise: *Provided*, That the recipient agrees to match the combined value of the grant for such bicentennial program or project."

Approved October 23, 1972.

Public Law 92-539

October 24, 1972
[H.R. 15883]

AN ACT

To amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes.

Act for the Protection of Foreign Officials and Official Guests of 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 "Act for the Protection of Foreign Officials and Official Guests of the United States".

STATEMENT OF FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress recognizes that from the beginning of our history as a nation, the police power to investigate, prosecute, and punish common crimes such as murder, kidnaping, and assault has resided in the several States, and that such power should remain with the States.

The Congress finds, however, that harassment, intimidation,

obstruction, coercion, and acts of violence committed against foreign officials or their family members in the United States or against official guests of the United States adversely affect the foreign relations of the United States.

Accordingly, this legislation is intended to afford the United States jurisdiction concurrent with that of the several States to proceed against those who by such acts interfere with its conduct of foreign affairs. Jurisdiction.

TITLE I—MURDER OR MANSLAUGHTER OF FOREIGN OFFICIALS AND OFFICIAL GUESTS

SEC. 101. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new sections: 62 Stat. 756. 18 USC 1111.

"§ 1116. Murder or manslaughter of foreign officials or official guests

"(a) Whoever kills a foreign official or official guest shall be punished as provided under sections 1111 and 1112 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life. Penalty.

"(b) For the purpose of this section 'foreign official' means— Definitions.

"(1) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

"(2) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

"(c) For the purpose of this section:

"(1) 'Foreign government' means the government of a foreign country, irrespective of recognition by the United States.

"(2) 'International organization' means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288). 59 Stat. 669.

"(3) 'Family' includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official stands in loco parentis, or (b) any other person living in his household and related to the foreign official by blood or marriage.

"(4) 'Official guest' means a citizen or national of a foreign country present in the United States as an official guest of the government of the United States pursuant to designation as such by the Secretary of State.

"§ 1117. Conspiracy to murder

"If two or more persons conspire to violate section 1111, 1114, or 1116 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life." 62 Stat. 756; 65 Stat. 721; *Supra.*

SEC. 102. The analysis of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"1116. Murder or manslaughter of foreign officials or official guests.
"1117. Conspiracy to murder."

TITLE II—KIDNAPING

62 Stat. 760; 70 Stat. 1043.

SEC. 201. Section 1201 of title 18, United States Code, is amended to read as follows:

"§ 1201. Kidnaping

"(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when:

"(1) the person is willfully transported in interstate or foreign commerce;

"(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

"(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 101 (32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)); or

84 Stat. 921.

"(4) the person is a foreign official as defined in section 1116(b) or an official guest as defined in section 1116(c)(4) of this title,

Ante, p. 1071.

Penalty.

shall be punished by imprisonment for any term of years or for life.

"(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

"(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life."

SEC. 202. The analysis of chapter 55 of title 18, United States Code, is amended by deleting

"1201. Transportation.",

and substituting the following:

"1201. Kidnaping."

TITLE III—PROTECTION OF FOREIGN OFFICIALS AND OFFICIAL GUESTS

78 Stat. 610.

SEC. 301. Section 112 of title 18, United States Code, is amended to read as follows:

"§ 112. Protection of foreign officials and official guests

Offenses and penalties.

"(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official or official guest shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(b) Whoever willfully intimidates, coerces, threatens, or harasses a foreign official or an official guest, or willfully obstructs a foreign official in the performance of his duties, shall be fined not more than $500, or imprisoned not more than six months, or both.

Demonstrations.

"(c) Whoever within the United States but outside the District of Columbia and within one hundred feet of any building or premises belonging to or used or occupied by a foreign government or by a foreign official for diplomatic or consular purposes, or as a mission to

an international organization, or as a residence of a foreign official, or belonging to or used or occupied by an international organization for official business or residential purposes, publicly—

"(1) parades, pickets, displays any flag, banner, sign, placard, or device, or utters any word, phrase, sound, or noise, for the purpose of intimidating, coercing, threatening, or harassing any foreign official or obstructing him in the performance of his duties, or

"(2) congregates with two or more other persons with the intent to perform any of the aforesaid acts or to violate subsection (a) or (b) of this section,

shall be fined not more than $500, or imprisoned not more than six months, or both.

"(d) For the purpose of this section 'foreign official', 'foreign government', 'international organization', and 'official guest' shall have the same meanings as those provided in sections 1116 (b) and (c) of this title. Definitions. *Ante*, p. 1071.

"(e) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States."

SEC. 302. The analysis of chapter 7 of title 18, United States Code, is amended by deleting USC prec. title 1.

"112. Assaulting certain foreign diplomats and other official personnel."

and adding at the beginning thereof the following new item:

"112. Protection of foreign officials and official guests."

TITLE IV—PROTECTION OF PROPERTY OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

SEC. 401. Chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new section: 62 Stat. 743. 18 USC 951.

"§ 970. Protection of property occupied by foreign governments

"(a) Whoever willfully injures, damages, or destroys, or attempts to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, by a foreign official or official guest, shall be fined not more than $10,000, or imprisoned not more than five years, or both. Offenses and penalties.

"(b) For the purpose of this section 'foreign official', 'foreign government', 'international organization', and 'official guest' shall have the same meanings as those provided in sections 1116 (b) and (c) of this title." Definitions. *Ante*, p. 1071.

SEC. 402. The analysis of chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"970. Protection of property occupied by foreign governments."

SEC. 3. Nothing contained in this Act shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia.

Approved October 24, 1972.

Public Law 92-540

October 24, 1972
[H. R. 12828]

AN ACT

To amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes.

Vietnam Era Veterans' Readjustment Assistance Act of 1972.

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 "Vietnam Era Veterans' Readjustment Assistance Act of 1972".

TITLE I—VOCATIONAL REHABILITATION AND EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

SEC. 101. Chapter 31 of title 38, United States Code, is amended as follows:

72 Stat. 1171; 82 Stat. 1331.

(1) by adding at the end of subsection 1502 a new subsection as follows:

"(d) Veterans pursuing a program of vocational rehabilitation training under the provisions of this chapter shall also be eligible, where feasible, to perform veteran-student services pursuant to section 1685 of this title and for advance subsistence allowance payments as provided by section 1780 of this title.";

Post, p. 1076.
84 Stat. 76.

(2) by amending section 1504(b) to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV	Column V
Type of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$170	$211	$248	$18
Three-quarter-time	128	159	187	14
Half-time	85	106	124	9
Farm cooperative, apprentice, or other on-job training:				
Full-time	148	179	207	14";

and

72 Stat. 1173.

(3) by deleting in section 1507 "$100" and inserting in lieu thereof "$200".

SEC. 102. Chapter 34 of title 38, United States Code, is amended as follows:

(1) by deleting in the last sentence of section 1677(b) "$175" and inserting in lieu thereof "$220"; Flight training. 84 Stat. 76.

(2) by amending the table contained in paragraph (1) of section 1682(a) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$220	$261	$298	$18
Three-quarter-time	165	196	224	14
Half-time	110	131	149	9
Cooperative	177	208	236	14";

(3) by deleting in section 1682(b) "$175" and inserting in lieu thereof "$220";

(4) by amending the table contained in paragraph (2) of section 1682(c), as redesignated by this Act, to read as follows: Post, p. 1081.

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$177	$208	$236	$14
Three-quarter-time	133	156	177	11
Half-time	89	104	118	7";

and

(5) by deleting in section 1696(b) "$175" and inserting in lieu thereof "$220". 84 Stat. 81.

SEC. 103. Chapter 35 of title 38, United States Code, is amended as follows:

(1) by amending section 1732(a)(1) to read as follows: Allowance computation. 84 Stat. 77.

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $220 per month

if pursued on a full-time basis, (B) $165 per month if pursued on a three-quarter-time basis, and (C) $110 per month if pursued on a half-time basis.";

Allowance computation. 84 Stat. 77. 38 USC 1732.

(2) by deleting in section 1732(a)(2) "$175" and inserting in lieu thereof "$220";

(3) by deleting in section 1732(b) "$141" and inserting in lieu thereof "$177"; and

Special training allowance. 84 Stat. 78.

(4) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $220 per month. If the charges for tuition and fees applicable to any such course are more than $69 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed $69 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $7.35 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—ADVANCE PAYMENT OF EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCES; VETERAN-STUDENT SERVICES

80 Stat. 21; 84 Stat. 83. 38 USC 1781.

SEC. 201. Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting immediately before section 1781 the following new section:

"§ 1780. Payment of educational assistance or subsistence allowances

"Period for Which Payment May Be Made

"(a) Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence or a program of flight training, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 1504, 1682, 1691, or 1732 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment, but no amount shall be paid—

38 USC 1501, 1651, 1700. *Ante*, pp. 1074, 1075; *Post*, p. 1081.

"(1) to any eligible veteran or eligible person enrolled in a course which leads to a standard college degree for any period when such veteran or person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter or of chapter 34 or 35 of this title; or

"(2) to any eligible veteran or eligible person enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1787 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the institution is not regularly in session.

Post, p. 1085.

"Correspondence Training Certifications

"(b) No educational assistance allowance shall be paid to an eligible veteran or wife or widow enrolled in and pursuing a program of education exclusively by correspondence until the Administrator shall have received—

"(1) from the eligible veteran or wife or widow a certificate as to the number of lessons actually completed by the veteran or wife or widow and serviced by the educational institution; and

"(2) from the training establishment a certification or an endorsement on the veteran's or wife's or widow's certificate, as to the number of lessons completed by the veteran or wife or widow and serviced by the institution.

"Apprenticeship and Other On-Job Training

"(c) No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Administrator shall have received—

"(1) from such veteran or person a certification as to his actual attendance during such period; and

"(2) from the training establishment a certification, or an endorsement on the veteran's or person's certificate, that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.

"Advance Payment of Initial Educational Assistance or Subsistence Allowance

"(d) (1) The educational assistance or subsistence allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

"(2) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a serviceman on active duty, who is pursuing a program of education (other than under subchapter VI of chapter 34), the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. The application for advance payment, to be made on a form prescribed by the Administrator, shall—

Post, p. 1082.

"(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of his intention to attend that institution; and

"(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible

to continue his program of education or training and (ii) intends to re-enroll in the same institution,

and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

"(3) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, a person eligible for education or training under the provisions of subchapter VI of chapter 34 of this title shall be entitled to a lump-sum educational assistance allowance advance payment. Such advance payment shall in no event be made earlier than thirty days prior to the date on which pursuit of the person's program of education or training is to commence. The application for the advance payment, to be made on a form prescribed by the Administrator, shall, in addition to the information prescribed in paragraph (2)(A), specify—

Post, p. 1082.

"(A) that the program to be pursued has been approved;

"(B) the anticipated cost and the number of Carnegie, clock, or semester hours to be pursued; and

"(C) where the program to be pursued is other than a high school credit course, the need of the person to pursue the course or courses to be taken.

"(4) For purposes of the Administrator's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution, the veteran or person, shall establish his eligibility unless there is evidence in his file in the processing office establishing that he is not eligible for such advance payment.

"(5) The advance payment authorized by paragraphs (2) and (3) of this subsection shall, in the case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon his registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

"(6) Upon delivery of the advance payment pursuant to paragraph (5) of this subsection, the institution shall submit to the Administrator a certification of such delivery. If such delivery is not effected within thirty days after commencement of the program of education in question, such institution shall return such payment to the Administrator forthwith.

"Prepayment of Subsequent Educational Assistance or Subsistence Allowance

"(e) Except as provided in subsection (g) of this section, subsequent payments of educational assistance or subsistence allowance to an eligible veteran or eligible person shall be prepaid each month, subject to such reports and proof of enrollment in and satisfactory pursuit of such programs as the Administrator may require. The Administrator may withhold the final payment for a period of enrollment until such proof is received and the amount of the final payment appropriately adjusted.

"Recovery of Erroneous Payments

"(f) If an eligible veteran or eligible person fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are

due to erroneous information required to be furnished under subsection (d)(2) and (3) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section 3102 of this title, from any benefit otherwise due him under any law administered by the Veterans' Administration or may be recovered in the same manner as any other debt due the United States.

Ante, p. 396.

"Payments for Less Than Half-Time Training

"(g) Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis (except as provided by subsection (d)(3) of this section) shall be made in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 1682(b) or 1732(a)(2) of this title, as applicable.

Ante, pp. 1075, 1076.

"Determination of Enrollment, Pursuit, and Attendance

"(h) The Administrator may, pursuant to regulations which he shall prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or training or course by an eligible veteran or eligible person for any period for which he receives an educational assistance or subsistence allowance under this chapter for pursuing such program or course."

SEC. 202. Section 1681 of title 38, United States Code, is amended to read as follows:

80 Stat. 17; 84 Stat. 81, 1576.

"§ 1681. Educational assistance allowance

"General

"(a) The Administrator shall, in accordance with the applicable provisions of this section and section 1780 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

Ante, p. 1076.

"Institutional Training

"(b) The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence or a program of flight training, at an educational institution shall be paid as provided in section 1780 of this title.

"Flight Training

"(c) No educational assistance allowance for any month shall be paid to an eligible veteran who is pursuing a program of education consisting exclusively of flight training until the Administrator shall have received a certification from the eligible veteran and the institution as to actual flight training received by, and the cost thereof to, the veteran during that month."

SEC. 203. Subchapter IV of chapter 34 of title 38, United States Code, is amended by deleting section 1685 in its entirety and inserting in lieu thereof the following:

80 Stat. 19; 81 Stat. 186.

"§ 1685. Veteran-student services

"(a) Veteran-students utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereafter referred to as 'work-study allowance'). Such work-study allowance shall be paid in advance in the amount of $250 in return for such veteran-student's agreement to perform services, during or between periods of enrollment, aggregating one hundred hours during a semester or other applicable enrollment period, required in connection with (1) the outreach services program under subchapter IV of chapter 3 of this title as carried out under the supervision of a Veterans' Administration employee, (2) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans' Administration, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, or (4) any other activity of the Veterans' Administration as the Administrator shall determine appropriate. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than one hundred hours, the amount of such advance to bear the same ratio to the number of hours of work agreed to be performed as $250 bears to one hundred hours.

84 Stat. 84.
38 USC 240.

72 Stat. 1140;
83 Stat. 836.
38 USC 601.

"(b) Notwithstanding any other provision of law, the Administrator shall utilize, in connection with the activities specified in subsection (a) of this section, the services of veteran-students who are pursuing full-time programs of education or training under chapters 31 and 34 of this title. In carrying out this section, the Administrator, wherever feasible, shall give priority to veterans with disabilities rated at 30 per centum or more for purposes of chapter 11 of this title.

72 Stat. 1170;
80 Stat. 12.
38 USC 1501,
1651.
Ante, p. 394.

"(c) The Administrator shall determine the number of veterans whose services the Veterans' Administration can effectively utilize (not to exceed eight hundred man-years or their equivalent in man-hours during any fiscal year) and the types of services that such veterans may be required to perform, on the basis of a survey, which he shall conduct annually, of each Veterans' Administration regional office in order to determine the numbers of veteran-students whose services can effectively be utilized during an enrollment period in each geographical area where Veterans' Administration activities are conducted, and shall determine which veteran-students shall be offered agreements under this section in accordance with regulations which he shall prescribe, including as criteria (1) the need of the veteran to augment his educational assistance or subsistence allowance; (2) the availability to the veteran of transportation to the place where his services are to be performed; (3) the motivation of the veteran: and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

"(d) While performing the services authorized by this section, veteran-students shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administered by the Civil Service Commission."

80 Stat. 531;
82 Stat. 98.
5 USC 8101.

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

SEC. 301. Subsection (b) of section 1502 of title 38, United States Code, is amended by striking out "34 or 35" and inserting in lieu thereof "34, 35, or 36".

82 Stat. 1331.

SEC. 302. Section 1671 of title 38, United States Code, is amended to read as follows:

80 Stat. 15.

"Any eligible veteran, or any person on active duty (after consultation with the appropriate service education officer), who desires to initiate a program of education under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless he finds that such veteran or person is not eligible for or entitled to the educational assistance applied for, or that his program of education fails to meet any of the requirements of this chapter, or that he is already qualified. The Administrator shall notify the veteran or person of the approval or disapproval of his application."

SEC. 303. Section 1682 of title 38, United States Code, is amended by striking out subsection (c) and redesignating subsection (d), as amended by section 102(4) of title I of this Act, as subsection (c), and, as redesignated, amending paragraph (1) of such subsection— 80 Stat. 18; 82 Stat. 1333; 84 Stat. 77, 1577. *Ante*, p. 1075.

(1) by striking out the parenthetical phrase in clause (A) and inserting in lieu thereof: "(a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period)";

(2) by striking out "9" and "6" in clauses (B) and (C), respectively, and inserting in lieu thereof "7" and "5", respectively; and

(3) by adding the following sentence at the end thereof: "In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled."

SEC. 304. Chapter 34 of title 38, United States Code, is amended by striking out section 1684 in its entirety and inserting in lieu thereof the following: 80 Stat. 19; 81 Stat. 186; 84 Stat. 1577.

"§ 1684. Apprenticeship or other on-job training; correspondence courses

"Any eligible veteran may pursue a program of apprenticeship or other on-job training or a program of education exclusively by correspondence and be paid an educational assistance allowance or training assistance allowance, as applicable, under the provisions of section 1787 or 1786 of this title." *Post*, p. 1084.

SEC. 305. Section 1691 of title 38, United States Code, is amended by amending subsection (b) to read as follows: 84 Stat. 79.

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 (a) or (b) of this title."

SEC. 306. Section 1692 of title 38, United States Code, is amended by—

(1) striking out "marked" wherever it appears; and

(2) inserting a comma in subsection (b) immediately after "month" and by inserting immediately after "nine months," in such subsection, the following: "or until a maximum of $450 is utilized,".

SEC. 307. Section 1696 of title 38, United States Code, is amended by inserting at the end of subsection (b) the following sentence: "Where it is determined that there is no same program, the Administrator shall establish appropriate rates for tuition and fees designed to allow reimbursement for reasonable costs for the education or training institution:"

84 Stat. 80.
38 USC 1695.

SEC. 308. Subchapter VI of chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1697A. Coordination with and participation by Department of Defense

"(a) The Administrator shall designate an appropriate official of the Veterans' Administration who shall cooperate with and assist the Secretary of Defense and the official he designates as administratively responsible for such matters, in carrying out functions and duties of the Department of Defense under the PREP program authorized by this subchapter. It shall be the duty of such official to assist the Secretary of Defense in all matters entailing cooperation or coordination between the Department of Defense and the Veterans' Administration in providing training facilities and released time from duty necessary to carry out the purposes of the program.

Reports to congressional committees.

"(b) Educational institutions and training establishments administered by or under contract to the Department of Defense providing education and training to persons serving on active duty with the Armed Forces shall, in accordance with regulations jointly prescribed by the Administrator and the Secretary of Defense, be approved for the enrollment of eligible persons only at such time as the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing such Department's plan for implementation of the program established under this subchapter (except that on-going programs of education and training at such institutions or establishments may be continued for ninety days after the date of enactment of this section and prior to the submission of such report), and periodically thereafter submits progress reports with respect to the implementation of such plan, which plan shall include provision for—

"(1) each Secretary concerned to undertake an information and outreach program designed to advise, counsel, and encourage each eligible person within each branch of the Armed Forces with respect to enrollment in a program under this subchapter, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title, and in all other programs for which such person, prior to or following discharge or release from active duty, may be eligible under chapters 31 and 34 of this title;

84 Stat. 79.

72 Stat. 1170; 80 Stat. 12.
38 USC 1501, 1651.

"(2) each Secretary concerned to undertake, in coordination with representatives of the Veterans' Administration, to arrange and carry out meetings with each approved educational institution located in the vicinity of an Armed Forces installation (or, in the case of installations overseas, which have the capacity to carry out such programs at such overseas installations) to encourage the establishment of a program by such institution under this subchapter and subchapter V of this chapter in connection with persons stationed at such installation, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title;

"(3) the release from duty assignment of any such eligible person for at least one-half of the hours required for such person to enroll in a full-time program of education or training under this subchapter during his military service, unless, pursuant to regulations prescribed by the Secretary concerned, it is determined that such release of time is inconsistent with the interests of the national defense; and

Inter-Service and Agency Coordinating Committee, establishment.

"(4) establishment of an Inter-Service and Agency Coordinating Committee, under the co-chairmanship of an Assistant Secre-

tary of Defense and the Chief Benefits Director of the Veterans' Administration, to promote and coordinate the establishment and conduct of programs under this subchapter and other provisions of this title and the implementation of the plan submitted pursuant to this section."

Definitions.

SEC. 309. Subsection (a) of section 1701 of title 38, United States Code, is amended as follows:

72 Stat. 1193.

(1) by amending paragraph (6) to read as follows:

"(6) The term 'educational institution' means any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above."; and

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

80 Stat. 20; 82 Stat. 1331. 38 USC 1770.

"(9) For the purposes of this chapter and chapter 36 of this title, the term 'training establishment' means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training."

50 Stat. 664. 29 USC 50.

72 Stat. 1195; 82 Stat. 1333.

SEC. 310. Section 1720 of title 38, United States Code, is amended by inserting after the first sentence in subsection (a) thereof a new sentence as follows: "Such counseling shall not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution."

SEC. 311. Section 1723 of title 38, United States Code, is amended by—

72 Stat. 1196; 76 Stat. 216.

(1) amending subsection (c) to read as follows:

"(c) The Administrator shall not approve the enrollment of an eligible person in any course of institutional on-farm training, any course to be pursued by correspondence (except as provided in section 1786 of this title), open circuit television (except as herein provided), or a radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines (except as herein provided). The Administrator may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through the medium of open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance. The Administrator may approve the enrollment at an educational institution which is not located in a State or in the Republic of the Philippines if such program is pursued at an approved educational institution of higher learning. The Administrator in his discretion may deny or discontinue the educational assistance under this chapter of any eligible person in a foreign educational institution if he finds that such enrollment is not in the best interest of the eligible person or the Government."; and

Post, p. 1084.

(2) inserting "(except as provided in section 1733 of this title)" after "regular secondary school education" in subsection (d).

Post, p. 1084.

SEC. 312. Section 1731 of title 38, United States Code, is amended by—

72 Stat. 1197.

(1) inserting in subsection (a) immediately after the word "shall" a comma and the following: "in accordance with the provisions of section 1780 of this title,";

Ante, p. 1076.

72 Stat. 1197; 80 Stat. 24.

(2) striking out subsections (b), (c), and (e) in their entirety; and

(3) redesignating subsection (d) as subsection (b).

84 Stat. 1577.

SEC. 313. Sections 1733 and 1734 of title 38, United States Code, are amended to read as follows:

"§ 1733. Special assistance for the educationally disadvantaged

"(a) Any eligible wife or widow shall, without charge to any entitlement she may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1691 (if pursued in a State) of this title and be paid an educational assistance allowance under the provisions of section 1732(a) of this title.

Ante, p. 1081.
Ante, p. 1075.

"(b) Any eligible person shall, without charge to any entitlement he may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1692 of this title.

84 Stat. 80.

"§ 1734. Apprenticeship or other on-job training; correspondence courses

"(a) Any eligible person shall be entitled to pursue, in a State, a program of apprenticeship or other on-job training and be paid a training assistance allowance as provided in section 1787 of this title.

Post, p. 1085.

"(b) Any eligible wife or widow shall be entitled to pursue a program of education exclusively by correspondence and be paid an educational assistance allowance as provided in section 1786 of this title."

Infra.

81 Stat. 186; 84 Stat. 83.

SEC. 314. Section 1777 of title 38, United States Code, is amended by inserting "or person" after "veteran" each place it appears.

80 Stat. 22; 81 Stat. 189.

SEC. 315. Section 1784 of title 38, United States Code, is amended by—

(1) striking out "34 or 35" and inserting in lieu thereof "34, 35, or 36" in subsection (a) and in the first sentence of subsection (b);

38 USC 1651, 1700, 1770.

(2) inserting "or eligible persons" after "veterans" in the second sentence of subsection (b); and

(3) striking out "enrolled under chapter 34 of this title, plus the number of eligible persons enrolled under chapter 35 of this title" and inserting in lieu thereof "or eligible persons enrolled under chapters 34, 35, and 36 of this title, or $4 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title" in subsection (b).

Ante, p. 1076.

SEC. 316. Subchapter II of chapter 36 of title 38, United States Code, is amended by—

80 Stat. 23.

(1) striking out sections 1786 and 1787 and inserting in lieu thereof the following:

"§ 1786. Correspondence courses

"(a)(1) Each eligible veteran (as defined in section 1652(a)(1) and (2) of this title) and each eligible wife or widow (as defined in section 1701(a)(1)(B), (C), or (D) of this title) who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran or wife or widow. The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran or wife or widow, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis

80 Stat. 13.
82 Stat. 1332; 84 Stat. 1575.

"Established charge."

for the lessons completed by the veteran or wife or widow and serviced by the institution.

"(2) The period of entitlement of any veteran or wife or widow who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $220 which is paid to the veteran or wife or widow as an educational assistance allowance for such course.

"(b) The enrollment agreement shall fully disclose the obligation of both the institution and the veteran or wife or widow and shall prominently display the provisions for affirmance, termination, refunds, and the conditions under which payment of the allowance is made by the Administrator to the veteran or wife or widow. A copy of the enrollment agreement shall be furnished to each such veteran or wife or widow at the time such veteran or wife or widow signs such agreement. No such agreement shall be effective unless such veteran or wife or widow shall, after the expiration of ten days after the enrollment agreement is signed, have signed and submitted to the Administrator a written statement, with a signed copy to the institution, specifically affirming the enrollment agreement. In the event the veteran or wife or widow at any time notifies the institution of his intention not to affirm the agreement in accordance with the preceding sentence, the institution, without imposing any penalty or charging any fee shall promptly make a full refund of all amounts paid.

"(c) In the event a veteran or wife or widow elects to terminate his enrollment under an affirmed enrollment agreement, the institution (other than one subject to the provisions of section 1776 of this title) may charge the veteran or wife or widow a registration or similar fee not in excess of 10 per centum of the tuition for the course, or $50, whichever is less. Where the veteran or wife or widow elects to terminate the agreement after completion of one or more but less than 25 per centum of the total number of lessons comprising the course, the institution may retain such registration or similar fee plus 25 per centum of the tuition for the course. Where the veteran or wife or widow elects to terminate the agreement after completion of 25 per centum but less than 50 per centum of the lessons comprising the course, the institution may retain the full registration or similar fee plus 50 per centum of the course tuition. If 50 per centum or more of the lessons are completed, no refund of tuition is required.

77 Stat. 159.
38 USC 1776.

"§ 1787. Apprenticeship or other on-job training

"(a) An eligible veteran (as defined in section 1652(a)(1) of this title) or an eligible person (as defined in section 1701(a) of this title) shall be paid a training assistance allowance as prescribed by subsection (b) of this section while pursuing a full-time—

80 Stat. 13; 84 Stat. 1577. 82 Stat. 1332; 84 Stat. 1575.

"(1) program of apprenticeship approved by a State approving agency as meeting the standards of apprenticeship published by the Secretary of Labor pursuant to section 50a of title 29, or

50 Stat. 665.

"(2) program of other on-job training approved under provisions of section 1777 of this title,

81 Stat. 186; 84 Stat. 83.

subject to the conditions and limitations of chapters 34 and 35 with respect to educational assistance.

38 USC 1651, 1700.

"(b)(1) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$160	$179	$196	$8.
Second 6 months	120	139	156	8.
Third 6 months	80	99	116	8.
Fourth and any succeeding 6-month periods	40	59	76	8.

"(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be (A) $160 during the first six-month period, (B) $120 during the second six-month period, (C) $80 during the third six-month period, and (D) $40 during the fourth and any succeeding six-month period.

"(3) In any month in which an eligible veteran or person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b) (1) or (2) of this section, as applicable, shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

Definitions.

"(c) For the purpose of this chapter, the terms 'program of apprenticeship' and 'program of other on-job training' shall have the same meaning as 'program of education'; and the term 'training assistance allowance' shall have the same meaning as 'educational assistance allowance' as set forth in chapters 34 and 35 of this title.";

80 Stat. 12; 72 Stat. 1193. 38 USC 1651, 1700.

(2) redesignating sections 1788, 1789, 1790, and 1791 as sections 1792, 1793, 1794, and 1795, respectively, and inserting after section 1787 the following new sections:

80 Stat. 23; 82 Stat. 1331.

"§ 1788. Measurement of courses

"(a) For the purposes of this chapter and chapters 34 and 35 of this title—

"(1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

"(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction pre-

dominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required;

"(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when (A) a minimum of four units per year is required or (B) an individual is pursuing a program of education leading to an accredited high school diploma at a rate which, if continued, would result in receipt of such a diploma in four ordinary school years. For the purpose of subclause (A) of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof (including such hours for which no credit is granted but which are required to be taken to correct an educational deficiency and which the educational institution considers to be quarter or semester hours for other administrative purposes), for which credit is granted toward a standard college degree, is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course;

"(5) a program of apprenticeship or a program of other on-iob training shall be considered a full-time program when the eligible veteran or person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining; and

"(6) an institutional course offered as part of a program of education below the college level under section 1691(a)(2) or 1696(a)(2) of this title shall be considered a full-time course on the basis of measurement criteria provided in clause (2), (3), or (4) as determined by the educational institution.

84 Stat. 79.
38 USC 1691 1696.

"(b) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter or chapter 34 or 35 of this title.

80 Stat. 12; 72 Stat. 1193.
38 USC 1651, 1700.

"§ 1789. Period of operation for approval

"(a) The Administrator shall not approve the enrollment of an eligible veteran or eligible person in any course offered by an educational institution when such course has been in operation for less than two years.

"(b) Subsection (a) shall not apply to—

"(1) any course to be pursued in a public or other tax-supported educational institution;

"(2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;

"(3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality, or has made a complete move with substantially the same faculty, curricula, and students, without change in ownership;

"(4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree; or

"(5) any course offered by a proprietary nonprofit educational institution which qualifies to carry out an approved program of education under the provisions of subchapter V or VI of chapter 34 of this title (including those courses offered at other than the institution's principal location) if the institution offering such course has been in operation for more than two years.

84 Stat. 79.
38 USC 1690.
Ante, p. 1082.

"§ 1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

"Overcharges by Educational Institutions

"(a) If the Administrator finds that an educational institution has—

"(1) charged or received from any eligible veteran or elegible person pursuing a program of education under this chapter or chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveterans not receiving assistance under such chapters who are enrolled in the same course to pay, or

"(2) instituted, after the effective date of section 1780 of this title, a policy or practice with respect to the payment of tuition, fees, or other charges in the case of eligible veterans and the Administrator finds that the effect of such policy or practice substantially denies to veterans the benefits of the advance and prepayment allowances under such section,

Ante, p. 1076.

he may disapprove such educational institution for the enrollment of any eligible veteran or eligible person not already enrolled therein under this chapter or chapter 31, 34, or 35, of this title.

38 USC 1501, 1651, 1700.

"Discontinuance of Allowances

"(b) The Administrator may discontinue the educational assistance allowance of any eligible veteran or eligible person if he finds that the program of education or any course in which the veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if he finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35, or fails to meet any of the requirements of such chapters.

"Examination of Records

"(c) The records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under this chapter or chapter 31, 34, or 35 of this title shall be available for examination by duly authorized representatives of the Government. 38 USC 1501, 1651, 1700.

"False or Misleading Statements

"(d) Whenever the Administrator finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action. Report.

"§ 1791. Change of program

"(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran and eligible person may make not more than one change of program of education, but an eligible veteran or eligible person whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application shall not be entitled to any such change.

"(b) The Administrator may approve one additional change (or an initial change in the case of a veteran or person not eligible to make a change under subsection (a)) in program if he finds that—

"(1) the program of education which the eligible veteran or eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and

"(2) in any instance where the eligible veteran or eligible person has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

"(c) The Administrator may also approve additional changes in program if he finds such changes are necessitated by circumstances beyond the control of the eligible veteran or eligible person.

"(d) As used in this section the term 'change of program of education' shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second."; and

(3) Section 1792 of title 38, United States Code (as redesignated by section 316(2) of this Act) is amended by inserting between the first and second sentences of such section the following: "The Committee shall also include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, and the Vietnam era." *Ante*, p. 1086.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS TO THE VETERANS' AND WAR ORPHANS' AND WIDOWS' EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 401. Chapter 34 of title 38, United States Code, is amended by—

(1) inserting after "this chapter" in subsection (a) of section 1661 "or chapter 36"; 80 Stat. 13; 84 Stat. 79.

(2) deleting "31 or 35" and inserting "31, 34, or 36" in subsection (d) of section 1673;

80 Stat. 16.
38 USC 1673.

(3) striking out all after "certification" down to the period and inserting in lieu thereof "as required by section 1681(c) of this title" in the second sentence of section 1677(b);

81 Stat. 185.

(4) striking out "(c)(1), or (d)" and inserting in lieu thereof "or (c)" and striking out "1683" and inserting in lieu thereof "1787" in subsection 1682(a)(1);

81 Stat. 184.

84 Stat. 79.

(5) striking out the last sentence of section 1682(b);

80 Stat. 15; 81 Stat. 186.

(6) striking out sections 1672, 1675, 1683, and 1687 in their entirety; and

(7) redesignating section 1686 as section 1683.

SEC. 402. Chapter 35 of title 38, United States Code, is amended by—

(1) deleting "1737" and inserting "1736" in section 1712(a)(2);

72 Stat. 1194.

(2) striking out sections 1722, 1725, and 1736 in their entirety;

(3) redesignating section 1737 as section 1736; and

(4) striking out "1737" and inserting "1736" in section 1735.

SEC. 403. Chapter 36 of title 38, United States Code, is amended by—

(1) striking out "1686" and inserting "1683" in section 1770(b);

80 Stat. 20.

(2) inserting "this chapter and" after "purposes of" in section 1771(a);

77 Stat. 158; 80 Stat. 20.

(3) inserting "this chapter and" before "chapters 34 and 35" each place it appears in section 1772;

(4) striking out "1737" and inserting in lieu thereof "1736" in section 1772(a);

(5) striking out "1683(a)(1)" and inserting in lieu thereof "1787(a)(1)" in section 1772(c);

84 Stat. 83.

(6) inserting "this chapter and" before "chapters 34 and 35" in subsection (a) of section 1773;

(7) inserting "this chapter and" before "chapters 34 and 35" the first time it appears in section 1774(a);

82 Stat. 1334.

(8) striking out "or special training allowance granted under chapter 34 or 35" and inserting in lieu thereof "granted under chapter 34, 35, or 36" in section 1781;

80 Stat. 21.

(9) inserting "this chapter or" before "chapter 34 or 35" in section 1782;

(10) inserting "this chapter or" before "chapter 34 or 35" each place it appears in section 1783;

(11) inserting "this chapter or" before "chapter 34 or 35" in section 1785;

(12) inserting "this chapter or" before "chapter 34 or 35" in section 1793 (as redesignated by section 316(2) of this Act); and

Ante, p. 1086.

(13) striking out "Chapters 31, 34, and 35" and inserting in lieu thereof "chapters 31, 34, 35, and 36" in section 1795 (as redesignated by section 316(2) of this Act).

SEC. 404. (a) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by—

(1) striking out:

"1672. Change of program."

and

"1675. Period of operation for approval.";

(2) striking out:

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS

"1681. Educational assistance allowance.
"1682. Computation of educational assistance allowances.
"1683. Apprenticeship or other on-job training.
"1684. Measurement of courses.
"1685. Overcharges by educational institutions.
"1686. Approval of courses.
"1687. Discontinuance of allowances."

and inserting in lieu thereof the following:

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

"1681. Educational assistance allowance.
"1682. Computation of educational assistance allowances.
"1683. Approval of courses.
"1684. Apprenticeship or other on-job training; correspondence courses.
"1685. Veteran-student services.";

and

(3) adding at the end thereof the following:

"1697A. Coordination with and participation by Department of Defense.".

(b) The subchapter heading above section 1681 of such title is amended to read as follows:

"Subchapter IV—Payments to Eligible Veterans; Veteran-Student Services

SEC. 405. The table of sections at the beginning of chapter 35 of title 38, United States Code, is amended by—

(1) striking out:

"1722. Change of program."

and

"1725. Period of operation for approval.";

(2) striking out:

"1733. Measurement of courses.
"1734. Overcharges by educational institutions.
"1735. Approval of courses.
"1736. Discontinuance of allowances.
"1737. Specialized vocational training courses."

and inserting in lieu thereof:

"1733. Special assistance for the educationally disadvantaged.
"1734. Apprenticeship or other on-job training; correspondence courses.
"1735. Approval of courses.
"1736. Specialized vocational training courses."

SEC. 406. The table of sections at the beginning of chapter 36 of title 38, United States Code, is amended by—

(1) inserting:

"1780. Payment of educational or subsistence assistance allowances."

immediately above

"1781. Limitations on educational assistance.";

and

(2) striking out:

"1786. Examination of records.
"1787. False or misleading statements.
"1788. Advisory committee.
"1789. Institutions listed by Attorney General.
"1790. Use of other Federal agencies.
"1791. Limitation on period of assistance under two or more programs."

and inserting in lieu thereof:

"1786. Correspondence courses.
"1787. Apprenticeship or other on-job training.
"1788. Measurement of courses.
"1789. Period of operation for approval.
"1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements.
"1791. Change of program.
"1792. Advisory committee.
"1793. Institutions listed by Attorney General.
"1794. Use of other Federal agencies.
"1795. Limitation on period of assistance under two or more programs."

Adopted child.
84 Stat. 256.

SEC. 407. Section 101 of title 38, United States Code, is amended by striking out the last sentence of paragraph (4) and inserting in lieu thereof the following sentences: "A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded, if the child remains in the custody of the adopting parent or parents during the interlocutory period. A person who has been placed for adoption under an agreement entered into by the adopting parent or parents with any agency authorized under law to so act shall be recognized thereafter as a legally adopted child, unless and until such agreement is terminated, if the child remains in the custody of the adopting parent or parents during the period of placement for adoption under such agreement."

SEC. 408. Section 102 of title 38, United States Code, is amended as follows:

72 Stat. 1109.
"Wife."
"Widow."

(1) Subsection (b) thereof is amended to read as follows:

"(b) For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran."; and

(2) The heading of such section is amended to read as follows:

"§ 102. Dependent parents; husbands".

SEC. 409. The table of sections at the beginning of chapter 1 of title 38, United States Code, is amended by striking out:

"102. Dependent parents and dependent husbands."

and inserting in lieu thereof:

"102. Dependent parents; husbands.".

84 Stat. 84.

SEC. 410. (a) The first sentence of section 240 of title 38, United States Code, is amended by inserting "and encourage" after "aid".

(b) Section 241 of such title is amended by striking out "give priority to so advising" and inserting in lieu thereof "insure, through the utilization of veteran-student services under section 1685 of this title, that contact, in person or by telephone, is made with" in clause (1).

Ante, p. 1080.

82 Stat. 1334.

SEC. 411. Subsection (b) of section 1774 of title 38, United States Code, is amended to read as follows:

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

Total salary cost reimbursable under this section	Allowance for administrative expense
$5,000 or less	$500.
Over $5,000 but not exceeding $10,000	$900.
Over $10,000 but not exceeding $35,000	$900 for the first $10,000 plus $800 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000	$5,250.
Over $40,000 but not exceeding $75,000	$5,250 for the first $40,000 plus $700 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000	$10,450.
Over $80,000	$10,450 for the first $80,000 plus $600 for each additional $5,000 or fraction thereof."

SEC. 412. Section 3301 of title 38, United States Code, is amended— 72 Stat. 1236; 76 Stat. 557.

(1) by inserting after "Veterans' Administration" where it first appears, the language: "and the names and addresses of present or former personnel of the armed services, and their dependents, in the possession of the Veterans' Administration"; and

(2) by adding at the end of such section the following new clause (9):

"(9) the Administrator may, pursuant to regulations he shall prescribe, release the names and addresses of present or former personnel of the armed services, and/or dependents to any nonprofit organization but only if the release is directly connected with the conduct of programs and the utilization of benefits under this title. Any such organization or member thereof which uses such names and addresses for purposes other than those specified in this clause shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of subsequent offenses." Penalty.

SEC. 413. The Administrator, in consultation with the advisory committee formed pursuant to section 1792 of this title (as redesignated by section 316(2) of this Act), shall provide for the conduct of an independent study of the operation of the post-Korean conflict program of educational assistance currently carried out under chapters 31, 34, 35, and 36 of this title in comparison with similar programs of educational assistance that were available to veterans of World War II and of the Korean conflict from the point of view of administration; veteran participation; safeguards against abuse; and adequacy of benefit level, scope of programs, and information and outreach efforts to meet the various education and training needs of eligible veterans. The results of such study, together with such recommendations as are warranted to improve the present program, shall be transmitted to the President and the Congress within six months after the date of enactment of this Act. Study. *Ante*, p. 1086. 38 USC 1501, 1651, 1700, 1770. Transmittal to President and Congress.

TITLE V—VETERANS' EMPLOYMENT ASSISTANCE AND PREFERENCE

Citation of title.

SEC. 501. This title may be cited as the "Veterans' Employment and Readjustment Act of 1972".

72 Stat. 1217; 76 Stat. 558; 80 Stat. 27. 38 USC 2001.

SEC. 502. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41.—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) The term 'eligible veteran' means a person who served in the active military, naval, or air service and who was discharged or released therefrom with other than a dishonorable discharge.

"(2) The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end policies shall be promulgated and administered through a Veterans Employment Service within the Department of Labor, so as to provide such veterans the maximum of employment and training opportunities through existing programs, coordination and merger of programs and implementation of new programs.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a representative of the Veterans' Employment Service to serve as the veterans' employment representative, and shall further assign to each State one assistant veterans' employment representative per each 250,000 veterans of the State veterans population, and such additional assistant veterans' employment representatives as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and

Post, p. 1096.

shall be paid in accordance with the provisions of chapter 51 of subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall— 80 Stat. 443, 467. 5 USC 5101, 5331.

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities; 84 Stat. 84. 38 USC 240.

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's particular qualifications with an available job or on-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor. Estimated funds necessary for proper counseling, placement, and training services to veterans provided by the various State public employment service agencies shall be separately identified in the budgets of those agencies as approved by the Department of Labor.

"(b) There are authorized to be appropriated such sums as may be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate submitted pursuant to subsection (a) of this section.

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary of Labor based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual report

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling services.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary of Labor to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans, veterans with service-connected disabilities, and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2006 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and all data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by striking out:

"41. Job Counseling and Employment Placement Service for Veterans ---------- 2001"

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001"

SEC. 503. (a) Part III of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows: 72 Stat. 1170; *Ante*, p. 1094. 38 USC 1501.

"Chapter 42.—EMPLOYMENT AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS

"Sec.
"2011. Definitions.
"2012. Veterans' employment emphasis under Federal contracts.
"2013. Eligibility requirements for veterans under certain Federal manpower training programs.

"§ 2011. Definitions

"As used in this chapter—

"(1) The term 'disabled veteran' means a person entitled to disability compensation under laws administered by the Veterans' Administration for a disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

"(2) The term 'veteran of the Vietnam era' means a person (A) who (i) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era, and (B) who was so discharged or released within the 48 months preceding his application for employment covered under this chapter.

"(3) The term 'department and agency' means any department or agency of the Federal Government or any federally owned corporation.

"§ 2012. Veterans' employment emphasis under Federal contracts

"(a) Any contract entered into by any department or agency for the procurement of personal property and non-personal services (including construction) for the United States, shall contain a provision requiring that, in employing persons to carry out such contract, the party contracting with the United States shall give special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the procurement of personal property and non-personal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within 60 days after the date of enactment of this

section, which regulations shall require that (1) each such contractor undertake in such contract to list immediately with the appropriate local employment service office all of its suitable employment openings, and (2) each such local office shall give such veterans priority in referral to such employment openings.

"(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred to the Secretary who shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

"§ 2013. Eligibility requirements for veterans under certain Federal manpower training programs

"Any (1) amounts received as pay or allowances by any person while serving on active duty, (2) period of time during which such person served on such active duty, and (3) amounts received under chapters 11, 13, 31, 34, 35, and 36 of this title by a veteran (as defined in section 101(2) of this title) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower training (or related) program financed in whole or in part with Federal funds."

38 USC 301, 401, 1501, 1651, 1700, 1770.
72 Stat. 1106.
78 Stat. 508.
42 USC 2701 note.
76 Stat. 23.
42 USC 2571 note.

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by adding at the end thereof a new item as follows:

"42. Employment and Training of Disabled and Vietnam Era Veterans.. 2011".

SEC. 504. The Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 501 et seq.), is amended as follows:

54 Stat. 1179.

(1) Section 101(1) (50 U.S.C. App. 511(1)) is amended by striking out "The term 'persons in military service'" and inserting in lieu thereof "The term 'person in the military service', the term 'persons in military service',".

56 Stat. 777.
50 USC app. 590.

(2) The following new section is inserted after section 700:

"SEC. 701. (a) Notwithstanding any other provision of law, a power of attorney which—

"(1) was duly executed by a person in the military service who is in a missing status (as defined in section 551(2) of title 37, United States Code);

80 Stat. 625.

"(2) designates that person's spouse, parent, or other named relative as his attorney in fact for certain specified, or all, purposes; and

"(3) expires by its terms after that person entered a missing status, and before or after the effective date of this section;

shall be automatically extended for the period that the person is in a missing status.

"(b) No power of attorney executed after the effective date of this section by a person in the military service may be extended under subsection (a) if the document by its terms clearly indicates that the

power granted expires on the date specified even though that person, after the date of execution of the document, enters a missing status.

"(c) This section applies only to persons in military service who executed powers of attorney during the Vietnam era (as defined in section 101(29) of title 38, United States Code)."

81 Stat. 181.

SEC. 505. Section 3107 of title 38, United States Code, is amended by inserting after "title" the words "or that portion of the educational assistance allowance payable on account of dependents under chapter 34 of this title".

72 Stat. 1231.

TITLE VI—EFFECTIVE DATES AND SAVINGS PROVISIONS

SEC. 601. (a) The rate increases provided in Title I of this Act and the rate increases provided by the provisions of section 1787, title 38, United States Code (as added by section 316 of this Act) shall become effective October 1, 1972; except, for those veterans and eligible persons in training on the date of enactment, the effective date shall be the date of the commencement of the current enrollment period, but not earlier than September 1, 1972.

(b) The provisions of title V of this Act shall become effective 90 days after the date of enactment of this Act.

SEC. 602. (a) The provisions of section 1786 of title 38, United States Code (as added by section 316 of this Act), which apply to programs of education exclusively by correspondence, shall, as to those wives and widows made eligible for such training by that section, become effective January 1, 1973, and, as to eligible veterans, shall apply only to those enrollment agreements which are entered into on or after January 1, 1973.

(b) Notwithstanding the provisions of subsection (a) of this section, any enrollment agreement entered into by an eligible veteran prior to January 1, 1973, shall continue to be subject to the provisions of section 1682(c) of title 38, United States Code, prior to its repeal by section 303 of this Act.

SEC. 603. (a) The prepayment provisions of subsection (e) of section 1780 of title 38, United States Code (as added by section 201 of this Act), shall become effective on November 1, 1972.

(b) The advance payment provisions of section 1780 of title 38, United States Code (as added by section 201 of this Act), shall become effective on August 1, 1973, or at such time prior thereto as the Administrator of Veterans' Affairs shall specify in a certification filed with the Committees on Veterans' Affairs of the Congress.

SEC. 604. (a) Notwithstanding the provisions of section 1712(b) of title 38, United States Code, a wife or widow (1) eligible to pursue a program of education exclusively by correspondence by virtue of the provisions of section 1786 of such title (as added by section 316 of this Act) or (2) entitled to receive the benefits of subsection (a) of section 1733 of this title (as added by section 313 of this Act), shall have eight years from the date of the enactment of this Act in which to complete such a program of education or receive such benefits.

82 Stat. 1333.

(b) Notwithstanding the provisions of section 1712(a) or 1712(b) of title 38, United States Code, an eligible person, as defined in section 1701(a)(1) of such title, who is entitled to pursue a program of apprenticeship or other on-job training by virtue of the provisions of section 1787 of such title (as added by section 316 of this Act) shall have eight years from the date of the enactment of this Act in which to complete such a program of training, except that an eligible person defined in section 1701(a)(1)(A) of such title may not be afforded educational assistance beyond his thirty-first birthday.

72 Stat. 1194; 82 Stat. 1333. 84 Stat. 1575.

Approved October 24, 1972.

Public Law 92-541

October 24, 1972
[H. J. Res. 748]

JOINT RESOLUTION

Amending Title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to develop cooperative arrangements between institutions of higher education, hospitals, and other nonprofit health service institutions affiliated with the Veterans' Administration to coordinate, improve, and expand the training of professional and allied health and paramedical personnel; to develop and evaluate new health careers, interdisciplinary approaches and career advancement opportunities; to improve and expand allied and other health manpower utilization; to afford continuing education for health manpower of the Veterans' Administration and other such manpower at Regional Medical Education Centers established at Veterans' Administration hospitals throughout the United States; and for other purposes.

Whereas there is a great national shortage of physicians and allied health personnel;

Whereas it is now estimated that there is a shortage of approximately 48,000 doctors of medicine and over 250,000 allied health and other medical personnel;

Whereas the Veterans' Administration operates the largest medical care system in the United States, if not the world;

Whereas the Department of Medicine and Surgery of the Veterans' Administration has an active and close affiliation with over eighty medical schools;

Whereas if the training of sufficient numbers of physicians, other health professionals, allied health personnel, and other health personnel is to be accomplished, it is essential that the educational capacities of medical and health professions schools affiliated with the Veterans' Administration be expanded, that new medical and health professions schools affiliated with Veterans' Administration hospitals be established, and that education and training opportunities for the training of existing and future allied health and other health personnel be expanded and improved;

Whereas because of the size, diversity, and quality of its medical program, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical schools and other health professions schools, in the establishment of new medical and health professions schools, and in the expansion and improvement of education and training opportunities for allied health and other health personnel; and

Whereas it is essential that an adequate number of physicians, health professionals, allied health personnel, and other health personnel be trained if the Congress is to discharge its responsibility to provide the best possible medical care for the Nation's veterans: Now, therefore, be it

Resolved 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 Medical School Assistance and Health Manpower Training Act of 1972".

Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972.
72 Stat. 1251; 80 Stat. 1372.
38 USC 5001.

SEC. 2. (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter—

"Chapter 82—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS; GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS

"Sec.
"5070. Coordination with public health programs; administration.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"5071. Declaration of purpose.
"5072. Authorization of appropriations.
"5073. Pilot program assistance.
"5074. Limitations.

"SUBCHAPTER II—GRANTS TO AFFILIATED MEDICAL SCHOOLS

"5081. Declaration of purpose.
"5082. Authorization of appropriations.
"5083. Grants.

"SUBCHAPTER III—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

"5091. Declaration of purpose.
"5092. Definition.
"5093. Grants.

"SUBCHAPTER IV—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"5096. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training.

"§ 5070. Coordination with public health programs; administration

"(a) The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate the programs carried out under this chapter and the programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act. 42 USC 242g, 292, 296, 299.

"(b) The Administrator may not enter into any agreement under subchapter I of this chapter or make any grant or provide other assistance under subchapter II or III of this chapter after the end of the seventh calendar year after the calendar year in which this chapter takes effect. 72 Stat. 1253; 78 Stat. 501. 38 USC 5011, 5031.

"(c) The Administrator, after consultation with the special medical advisory committee established pursuant to section 4112(a) of this title, shall prescribe regulations covering the terms and conditions for entering into agreements and making grants under this chapter. Regulations. 72 Stat. 1247; 80 Stat. 1370. 38 USC 4112.

"(d) Payments made pursuant to grants under this chapter may be made in installments, and either in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine. Payments.

"(e) In making grants under this chapter, the Administrator shall give special consideration to applications from institutions which provide reasonable assurances, which shall be included in the grant agreement, that priority for admission to health manpower and training programs carried out by such institutions will be given to otherwise

qualified veterans who during their military service acquired medical military occupation specialties, and that among such qualified veterans those who served during the Vietnam era and those who are entitled to disability compensation under laws administered by the Veterans' Administration or whose discharge or release was for a disability incurred or aggravated in line of duty will be given the highest priority. In carrying out this chapter and section 4101(b) of this title in connection with health manpower and training programs assisted or conducted under this title or in affiliation with a Veterans' Administration medical facility, the Administrator shall take appropriate steps to encourage the institutions involved to afford the priorities described in the first sentence of this subsection and to advise all qualified veterans with such medical military occupation specialties of the steps he has taken under this subsection and the opportunities available to them as a result of such steps.

80 Stat. 1368.
38 USC 4101.

Recordkeeping.

"(f)(1) Each recipient of assistance under this chapter shall keep such records as the Administrator 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 made or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

Audit.

"(2) The Administrator 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 recipient of any assistance under this chapter which are pertinent to such assistance.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to implement a pilot program under which he may provide assistance in the establishment of new State medical schools at colleges or universities which are primarily supported by the States in which they are located if such schools are located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities.

"§ 5072. Authorization of appropriations

"(a) There is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants pursuant to section 5073 of this title.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the sixth fiscal year following the fiscal year for which they are appropriated.

"§ 5073. Pilot program assistance

"(a) Subject to subsection (b) of this section, the Administrator may enter into an agreement to provide to any college or university which is primarily supported by the State in which it is located (hereinafter in this subchapter referred to as 'institution') the following assistance to enable such institution to establish a new medical school:

"(1) The leasing to the institution, for such consideration and under such terms and conditions as the Administrator deems appropriate, of such land, buildings, and structures (including equipment therein) under the control and jurisdiction of the Vet-

erans' Administration as may be necessary for such school. The three-year limitation on the term of a lease in section 5012(a) of this title shall not apply with respect to any lease entered into pursuant to this paragraph. Any lease made pursuant to this subchapter may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subchapter may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease.

72 Stat. 1253.
38 USC 5012.

47 Stat. 412.

"(2) The extension, alteration, remodeling, improvement, or repair of buildings and structures (including, as part of a lease made under paragraph (1), the provision of equipment) provided under paragraph (1) to the extent necessary to make them suitable for use as medical school facilities.

"(3) The making of grants to assist the institution to pay the cost of the salaries of the faculty of such school during the initial twelve-month period of operation of the school and the next six such twelve-month periods, but payment under this paragraph may not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first twelve-month period of operation,

"(B) 90 per centum of such cost during the second such period,

"(C) 90 per centum of such cost during the third such period,

"(D) 80 per centum of such cost during the fourth such period,

"(E) 70 per centum of such cost during the fifth such period,

"(F) 60 per centum of such cost during the sixth such period, and

"(G) 50 per centum of such cost during the seventh such period.

"(b)(1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds, and the agreement includes satisfactory assurances, that—

"(A) there will be adequate State or other financial support for the proposed school;

"(B) the overall plans for the school meet such professional and other standards as the Administrator deems appropriate;

"(C) the school will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in the carrying out of the mission of the medical facility and the school; and

80 Stat. 1373; 85 Stat. 178.
38 USC 5051.

"(D) on the basis of consultation with the appropriate accreditation body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare, there is reasonable assurance that, with the aid of an agreement under subsection (a) of this section, such school will meet the accreditation standards of such body or bodies within a reasonable time.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to

those imposed pursuant to subsections (a)(1) and (b)(1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"(c) If the Administrator, in accordance with such regulations as he shall prescribe, determines that any school established with assistance under this chapter—

"(1) is not accredited and fails to gain appropriate accreditation within a reasonable period of time;

"(2) is accredited but fails substantially to carry out the terms of the agreement entered into under this chapter; or

"(3) is no longer operated for the purpose for which such assistance was granted,

he shall be entitled to recover from the recipient of assistance under this chapter the facilities of such school which were established with assistance under this chapter. In order to recover such facilities the Administrator may bring an action in the district court of the United States for the district in which such facilities are situated.

"§ 5074. Limitations

"The Administrator may not use the authority under this subchapter to assist in the establishment of more than eight new medical schools. Such schools shall be located in geographically dispersed areas of the United States.

"SUBCHAPTER II—GRANTS TO AFFILIATED MEDICAL SCHOOLS

"§ 5081. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants to medical schools which have maintained affiliations with the Veterans' Administration in order to assist such schools to expand and improve their training capacities and to cooperate with institutions of the types assisted under subchapter III of this chapter in carrying out the purposes of such subchapter.

"§ 5082. Authorization of appropriations

"(a) There is further authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the six succeeding fiscal years, for carrying out programs authorized under this chapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the sixth fiscal year following the fiscal year for which they are appropriated.

"§ 5083. Grants

"(a) Any medical school which is affiliated with the Veterans' Administration under an agreement entered into pursuant to subchapter IV of chapter 81 of this title may apply to the Administrator for a grant under this subchapter to assist such school, in part, to carry out, through the Veterans' Administration medical facility with which it is affiliated, projects and programs in furtherance of the purposes of this subchapter, except that no grant shall be made for the construction of any building which will not be located on land under the jurisdiction of the Administrator. Any such application shall contain such information in such detail as the Administrator deems necessary and appropriate.

80 Stat. 1373; 85 Stat. 178. 38 USC 5051.

"(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the medical education (including continuing education) program of the school and will result in a substantial increase in the number of medical students attending such school, provided there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at such school;

"(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be supplemented by funds or other resources available from other sources, whether public or private;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds expended under this subchapter; and

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"SUBCHAPTER III—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

"§ 5091. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health manpower institutions affiliated with the Veterans' Administration, designed to coordinate, improve, and expand the training of professional and technical allied health and paramedical personnel, and to assist in developing and evaluating new health careers, interdisciplinary approaches and career advancement opportunities, so as to improve and expand allied and other health manpower utilization.

"§ 5092. Definition

"For the purpose of this subchapter, the term 'eligible institution' means any nonprofit educational facility or other public or nonprofit institution, including universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health manpower institutions for the training or education of allied health or other health personnel affiliated with the Veterans' Administration for the conduct of or the providing of guidance for education and training programs for health manpower.

"§ 5093. Grants

"(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration medical facility with which it is, or will become affiliated, educational and clinical projects and programs, matching the clinical requirements of the facility to the health manpower training potential of the eligible institution, for the expansion and improvement of such institution's capacity to train health manpower, including physicians' assistants, nurse practitioners, and other new types of health personnel in furtherance of the purposes of this subchapter. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution, provided there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at such institution;

"(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be supplemented by funds or other resources available from other sources, whether public or private;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds expended under this subchapter; and

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"SUBCHAPTER IV—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"§ 5096. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training

"Out of funds appropriated to the Veterans' Administration pursuant to the authorization in section 5082 of this title, the Administrator may expend such sums as he deems necessary, not to exceed 30 per centum thereof, for (1) the necessary extension, expansion, alteration, improvement, remodeling, or repair of Veterans' Administration buildings and structures (including provision of initial equipment, replacement of obsolete or worn-out equipment, and, where necessary, addition of classrooms, lecture facilities, laboratories, and other teaching facilities) to the extent necessary to make them suitable for use for health manpower education and training in order to carry out the purpose set forth in section 4101(b), and (2) special

80 Stat. 1368.
38 USC 4101.

allocations to Veterans' Administration hospitals and other medical facilities for the development or initiation of improved methods of education and training which may include the development or initiation of plans which reduce the period of required education and training for health personnel but which do not adversely affect the quality of such education or training."

(b) The table of chapters at the beginning of part VI of title 38, United States Code, is amended by adding

"82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions ..... 5070".

immediately below

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply ..... 5001".

SEC. 3. (a) Chapter 73 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter: 72 Stat. 1243; 80 Stat. 1371. 38 USC 4101.

"SUBCHAPTER II—REGIONAL MEDICAL EDUCATION CENTERS

"§ 4121. Designation of Regional Medical Education Centers

"(a) In carrying out his functions under section 4101 of this title with regard to the training of health manpower, the Administrator shall implement a pilot program under which he shall designate as Regional Medical Education Centers such Veterans' Administration hospitals as he determines appropriate to carry out the provisions of this subchapter in geographically dispersed areas of the United States.

"(b) Each Regional Medical Education Center (hereinafter in this subchapter referred to as 'Center') designated under subsection (a) of this section shall provide in-residence continuing medical and related education programs for medical and health personnel eligible for training under this subchapter, including (1) the teaching of newly developed medical skills and the use of newly developed medical technologies and equipment, (2) advanced clinical instruction, (3) the opportunity for conducting clinical investigations, (4) clinical demonstrations in the utilizaton of new types of health personnel and in the better utilization of the skills of existing health personnel, and (5) routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills.

"§ 4122. Supervision and staffing of Centers

"(a) Centers shall be operated under the supervision of the Chief Medical Director and staffed with personnel qualified to provide the highest quality instruction and training in various medical and health care disciplines.

"(b) As a means of providing appropriate recognition to individuals in the career service of the Department of Medicine and Surgery who possess outstanding qualifications in a particular medical or health care discipline, the Chief Medical Director shall from time to time and for such period as he deems appropriate assign such individuals to serve as visiting instructors at Centers.

"(c) Whenever he deems it necessary for the effective conduct of the program provided for under this subchapter, the Chief Medical Director is authorized to contract for the services of highly qualified medical and health personnel from outside the Veterans' Administration to serve as instructors at such Centers.

"§ 4123. Personnel eligible for training

"The Chief Medical Director shall determine the manner in which personnel are to be selected for training in the Centers. Preference

shall be given to career personnel of the Department of Medicine and Surgery. To the extent that facilities are available, other medical and health personnel shall, on a fully reimbursable basis, be eligible for in-residence training in the Centers.

"§ 4124. Consultation

"The Chief Medical Director shall carry out the provisions of this subchapter after consultation with the special medical advisory group established pursuant to section 4112(a) of this title."

72 Stat. 1247; 80 Stat. 1370. 38 USC 4112.

(b)(1) The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting at the beginning of such table the following:

"SUBCHAPTER I—ORGANIZATION; GENERAL".

(2) Such table of sections is further amended by adding at the end thereof the following:

"SUBCHAPTER II—REGIONAL MEDICAL EDUCATION CENTERS

"4121. Designation of Regional Medical Education Centers.
"4122. Supervision and staffing of Centers.
"4123. Personnel eligible for training.
"4124. Consultation.

"SUBCHAPTER I—ORGANIZATION; GENERAL".

Approved October 24, 1972.

Public Law 92-542

October 25, 1972 [H. R. 5066]

AN ACT

To authorize appropriations for fiscal year 1973 to carry out the Flammable Fabrics Act.

Flammable Fabrics Act, amendment. 15 USC 1191 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Flammable Fabrics Act (81 Stat. 573) is amended by striking out "1968, and" and inserting "1968," in lieu thereof, and by inserting immediately after "June 30, 1970," the following: "and $4,000,000 for the fiscal year ending June 30, 1973,".

Approved October 25, 1972.

Public Law 92-543

October 25, 1972 [H. R. 11773]

AN ACT

To amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection.

D.C. Police personnel records, public inspection. 68 Stat. 755. 67 Stat. 99. D.C. Code 4-134.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 389 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, sec. 4–135), is amended to read as follows: "The records to be kept by paragraphs 1, 2, and 4 of section 386 shall be open to public inspection when not in actual use, and this requirement shall be enforceable by mandatory injunction issued by the Superior Court of the District of Columbia on the application of any person.".

Approved October 25, 1972.

Public Law 92-544

AN ACT

October 25, 1972
[H. R. 14989]

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, 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 Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, namely:

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973.

TITLE I—DEPARTMENT OF STATE

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; $260,800,000: *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 $9,000 each) and such amounts as may be otherwise provided by law for all other such vehicles: *Provided further*, That in addition, this appropriation shall be available for the purchase (not to exceed thirty-three) and modification of passenger motor vehicles for protective purposes without regard to any maximum price limitations otherwise established by law.

60 Stat. 999.
80 Stat. 510.
80 Stat. 416.
70 Stat. 890; 76 Stat. 263.
62 Stat. 825.
70 Stat. 891.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), $993,000.

74 Stat. 801.

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; $27,000,000, to remain available until expended: *Provided*, That not to exceed $1,633,000 may be used for administrative expenses during the current fiscal year.

44 Stat. 403; 80 Stat. 881; 84 Stat. 1578.
60 Stat. 999.
80 Stat. 510.
80 Stat. 416.

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 104(b)(4) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to be credited to and expended under the appropriation account for "Acquisition, operation, and maintenance of buildings abroad", to remain available until expended, $6,485,000.

80 Stat. 1528.

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.

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), $2,972,000.

84 Stat. 17.

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, $176,190,750: *Provided*, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

U.N., restriction.

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); allowances 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); $5,097,000.

60 Stat. 999.
80 Stat. 510.
70 Stat. 890.

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); $2,400,000, of which not to exceed a total of $70,000 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.

74 Stat. 801.

INTERNATIONAL COMMISSIONS

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 1884, 1889, 1905, 1906, 1933, 1944, and 1963 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 four passenger motor vehicles for replacement only; 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:

24 Stat. 1011;
26 Stat. 1512;
35 Stat. 1863;
34 Stat. 2953;
48 Stat. 1621;
59 Stat. 1219;
15 UST 21.

64 Stat. 846.

80 Stat. 508;
81 Stat. 206.

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, $1,182,000.

OPERATION AND MAINTENANCE

For operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations $2,945,000: *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).

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), and the project stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, $10,246,000, to remain available until expended: *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 costs of said dam as shall have been allocated to such purposes by the Secretary of State.

49 Stat. 660.
55 Stat. 338.
64 Stat. 846.
22 USC 277d-32.
59 Stat. 1219.

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; $735,000, 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.
80 Stat. 416.

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 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 sub-

sistence to employees while on field duty, not to exceed $8 per day each (but not to exceed $5 per day each when a member of a field party and subsisting in camp); hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

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 conventions, and implementing Acts of Congress, $3,276,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

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 $10,000 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); $45,000,000, of which not less than $4,000,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States: *Provided*, That not to exceed $2,868,000 may be used for administrative expenses during the current fiscal year.

75 Stat. 527.
53 Stat. 1290.
60 Stat. 999.
60 Stat. 713; 75 Stat. 341.
80 Stat. 416.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

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, $6,200,000: *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.

74 Stat. 141.
22 USC 2054 note.
5 USC 5332 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.

Salaries and expenses, restriction.

SEC. 103. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serving in any office of any of the several States of the United States or any political subdivision thereof.

One-world-government advocates.

SEC. 104. 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.

Citation of title.

This title may be cited as the "Department of State Appropriation Act, 1973".

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For expenses necessary for the administration of the Department of Justice and for examination of judicial offices, including purchase (one for replacement only) and hire of passenger motor vehicles; and miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; $12,000,000.

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); $46,000,000: *Provided*, That not to exceed $170,000 may be transferred 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.

60 Stat. 809.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, $12,836,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

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; $91,000,000: *Provided*, That of the amount herein appropriated not to exceed $200,000 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.

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, and not to exceed $900,000 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; $10,500,000: *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.

80 Stat. 615.
63 Stat. 686.

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), $6,800,000.

78 Stat. 267.

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 nine hundred eighty, including one armored vehicle (for replacement only) and hire of passenger motor vehicles; 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; 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; $351,675,000.

The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used hereafter, in addition to those uses authorized thereunder, for the exchange of identification records with officials or federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

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 two hundred for replacement only) and hire of passenger motor vehicles; purchase and 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 protection of confidential files; and maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children including return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General; $135,084,000: *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.

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 eighteen 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, $115,417,000: *Provided*, That there may be transferred to the Health Services and Mental Health 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.

80 Stat. 610.

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, $42,616,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

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), $17,000,000.

61 Stat. 751.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

For grants, contracts, loans, and other law enforcement assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, including departmental salaries and other expenses in connection therewith, $850,597,000, to remain available until expended: *Provided*, That $15,000,000 of the funds available for planning grants to States under section 205 of such Act may be allocated without regard to the population formula set forth in that section.

82 Stat. 197; 84 Stat. 1881. 42 USC 3701.

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Narcotics and Dangerous Drugs, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; not to exceed $70,000 for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Attorney General and to be accounted for solely on his certificate; purchase of not to exceed one hundred twenty-four (for replacement only) passenger motor vehicles 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 materials in professional and trade journals; purchase of chemicals, apparatus, and scientific equipment; and not to exceed $126,000 for payment for accommodations in the District of Columbia in connection with training activities; $74,053,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

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.

Attorneys, qualifications.

SEC. 203. Seventy-five per centum of the expenditures for the offices of the United States attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

Reimbursement to U.S.

SEC. 204. 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.

Meetings, attendance.

SEC. 205. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Experts and consultants. 80 Stat. 416.

SEC. 206. Appropriations for the current fiscal year 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).

Uniforms. 80 Stat. 508; 81 Stat. 206.

Government motor vehicles, insurance.

SEC. 207. Appropriations made in this title shall be available for the purchase of insurance for motor vehicles operated on official Government business in foreign countries.

Citation of title.

This title may be cited as the "Department of Justice Appropriation Act, 1973".

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, $7,900,000.

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, $34,800,000.

1972 CENSUS OF GOVERNMENTS

For expenses necessary to prepare for taking, compiling, and publishing the 1972 census of governments, as authorized by law, $1,446,000, to remain available until December 31, 1974.

1972 ECONOMIC CENSUSES

For expenses necessary to prepare for taking, compiling, and publishing the 1972 censuses of business, transportation, manufactures, and mineral industries, as authorized by law, $11,178,500, to remain available until December 31, 1975.

1974 CENSUS OF AGRICULTURE

For expenses necessary to prepare for taking, compiling, and publishing the 1974 Census of Agriculture, as authorized by law, $1,360,000, to remain available until December 31, 1977.

NINETEENTH DECENNIAL CENSUS

85 Stat. 255.

The appropriation provided under this heading in the Department of Commerce Appropriation Act, 1972, shall remain available until June 30, 1973.

ECONOMIC DEVELOPMENT ADMINISTRATION

DEVELOPMENT FACILITIES

For grants and loans for development facilities as authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $190,000,000: *Provided*, That no part of any appropriation contained in this Act shall be used for administrative or any other expenses in the creation or operation of an economic development revolving fund.

42 USC 3131, 3141, 3161.

INDUSTRIAL DEVELOPMENT LOANS AND GUARANTEES

For loans and guarantees of working capital loans for industrial development, pursuant to titles II and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 690; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $50,000,000. 42 USC 3141, 3161.

PLANNING, TECHNICAL ASSISTANCE, AND RESEARCH

For payments for technical assistance, research, and planning grants, as authorized by title III of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 558; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $22,368,000. 42 USC 3151.

OPERATIONS AND ADMINISTRATION

For necessary expenses of administering the economic development assistance programs, not otherwise provided for, $23,363,000, of which not to exceed $800,000 may be advanced to the Small Business Administration for the 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, $41,672,000, to remain available until expended. 42 USC 3181.

DOMESTIC BUSINESS ACTIVITIES

SALARIES AND EXPENSES

For necessary expenses of domestic business activities of the Department of Commerce, $16,364,000.

TRADE ADJUSTMENT ASSISTANCE

FINANCIAL AND TECHNICAL ASSISTANCE

The amount appropriated under this heading in the Department of Commerce Appropriation Act, 1972, shall be available for trade adjustment technical assistance in addition to the purposes therein provided. 85 Stat. 256.

INTERNATIONAL ACTIVITIES

SALARIES AND EXPENSES

For necessary expenses for the promotion of foreign commerce, including trade centers, trade and industrial exhibits, and trade missions, abroad, without regard to the provisions of law set forth in 41 U.S.C. 5 and 13; 44 U.S.C. 501, 3702, and 3703; 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 section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed $4,200 for official representation expenses abroad; $24,200,000, of which $11,400,000 shall remain available for 82 Stat. 1243, 1305. 80 Stat. 306.

international trade promotions until June 30, 1974: *Provided*, That the provisions of the first sentence of section 105(f) and all of 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256) shall apply in carrying out the activities concerned with international trade promotions.

75 Stat. 531.
22 USC 2455, 2458.

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 for the promotion of foreign commerce, as authorized herein under the appropriation for "Salaries and expenses", $400,000, to remain available until expended.

EXPORT CONTROL

For expenses necessary for carrying out export regulation and control activities, as authorized by the Export Administration Act of 1969 including awards of compensation to informers under said Act and as authorized by the Act of August 13, 1953 (22 U.S.C. 401), $5,802,000, of which not to exceed $1,339,000 may be advanced to the Bureau of Customs, Treasury Department, for enforcement of the export control program.

83 Stat. 841.
50 USC app. 2401 note.
67 Stat. 577.

FOREIGN DIRECT INVESTMENT REGULATION

SALARIES AND EXPENSES

For necessary expenses for carrying out the provisions of Executive Order 11387, January 1, 1968, $2,600,000, of which $300,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972.

12 USC 95a note.
85 Stat. 256.

MINORITY BUSINESS ENTERPRISE

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting and developing minority business enterprise, $63,934,000, of which $52,797,000 shall remain available until expended: *Provided*, That not to exceed $11,137,000 shall be available for program development and management: *Provided further*, That not to exceed $12,500,000 of this appropriation shall be available for technical assistance, research and information pursuant to Title III of the Act of August 26, 1965, as amended (42 U.S.C. 3151).

79 Stat. 558; 83 Stat. 219; 85 Stat. 167.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the International Travel Act of 1961, as amended (22 U.S.C. 2121–2124) 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; $9,000,000.

75 Stat. 129; 84 Stat. 1071.
80 Stat. 306.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; expenses of an authorized strength of 358 commissioned officers on the active list; pay of commissioned officers retired in accordance with law and payments under the Retired Serviceman's Family Protection Plan; purchase of supplies for the upper-air weather measurements program for delivery through December 31 of the next fiscal year; $205,026,000, of which $6,000,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972: *Provided*, That this appropriation shall be reimbursed for at least press costs and costs of paper for navigational charts furnished for official use of other Government departments and agencies.

70A Stat. 108; 75 Stat. 810; 82 Stat. 751.
10 USC 1431.
85 Stat. 256.

RESEARCH, DEVELOPMENT AND FACILITIES

For necessary expenses of research, including development, testing, and evaluation of new operational systems and equipment; maintenance, operation, and hire of aircraft; acquisition and installation of research instrumentation; and construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; $144,721,000, of which $13,000,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972, to remain available until expended.

SATELLITE OPERATIONS

For expenses necessary to observe environmental conditions from space satellites, and for the reporting and processing of the data obtained for use in environmental forecasting, $36,320,000, to remain available until expended: *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.

ADMINISTRATION OF PRIBILOF ISLANDS

For carrying out the provisions of the Act of November 2, 1966 (80 Stat. 1091–1099), $3,232,000, of which so much as may become available during the current fiscal year shall be derived from the Pribilof Islands fund.

16 USC 1151 note.

LIMITATION ON ADMINISTRATIVE EXPENSES, FISHERIES LOAN FUND

During the current fiscal year not to exceed $435,000 of the Fisheries loan fund shall be available for administrative expenses.

FISHERMEN'S PROTECTIVE FUND

For payment to the Fishermen's Protective Fund, established pursuant to the Act of August 12, 1968 (82 Stat. 729), $61,000, to remain available until expended.

22 USC 1971 note.

PATENT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent Office, including defense of suits instituted against the Commissioner of Patents, $67,500,000.

NATIONAL BUREAU OF STANDARDS

RESEARCH AND TECHNICAL SERVICES

For expenses necessary in performing the functions authorized by the Act of March 3, 1901, as amended (15 U.S.C. 271–278g), including general administration; operation, maintenance, alteration, and protection of grounds and facilities; and improvement and construction of facilities as authorized by the Act of September 2, 1958 (15 U.S.C. 278d); $69,100,000, of which not to exceed $2,855,000 may be transferred to the "Working capital fund", National Bureau of Standards, for additional capital: *Provided*, That not to exceed $10,812,000 appropriated herein for experimental technology development and application shall remain available until expended.

31 Stat. 1449; 82 Stat. 35.

Ante, p. 235.

RESEARCH AND TECHNICAL SERVICES (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 National Bureau of Standards, as authorized by law, $1,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Bureau, for payments in the foregoing currencies.

PLANT AND FACILITIES

For expenses incurred, as authorized by law (15 U.S.C. 278c–278e), in the acquisition, construction, improvement, alteration, or emergency repair of buildings, grounds, and other facilities; and procurement and installation of special research equipment and facilities therefor; $1,850,000, to remain available until expended.

OFFICE OF TELECOMMUNICATIONS

RESEARCH, ENGINEERING, ANALYSIS, AND TECHNICAL SERVICES

For expenses necessary for the conduct of telecommunications functions assigned to the Secretary of Commerce pursuant to Executive Order 11556 of September 4, 1970, including activities authorized by 15 U.S.C. 272(f) (12) and (13), $6,500,000, of which $700,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972, to remain available until expended.

47 USC 305 note.

64 Stat. 371.

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

49 Stat. 1996; 84 Stat. 1019, 1021.

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); to remain available until expended, $280,000,000, of which $30,000,000 is for the purchase of modern or reconstructed United States-flag vessels for lay-up in the National Defense Reserve Fleet.

49 Stat. 1998; 84 Stat. 1021.

53 Stat. 1183.

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, $232,000,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than one thousand seven hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year.

49 Stat. 1985. 46 USC 1245.

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; $29,000,000, to remain available until expended: *Provided*, That transfers may be made from this appropriation to the "Vessel operations revolving fund" for losses resulting from expenses of experimental ship operations.

SALARIES AND EXPENSES

For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, 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; $24,390,000.

MARITIME TRAINING

For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; and uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed $575 per cadet; $7,854,000: *Provided*, That except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowances for cadets: *Provided further*, That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for "Research and development", "Ship construction", and "Salaries and expenses".

STATE MARINE SCHOOLS

For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958, as amended (72 Stat. 622–624), $2,290,000, to remain available until expended, of which $978,000 is for maintenance and repair of vessels loaned by or the use of which is approved by the United States for

46 USC 1381 note.

use in connection with such State marine schools, and $1,312,000 is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of marine schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

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 slop-chest 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, slop-chest 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.

50 Stat. 839. 46 USC 1116.

No obligations shall be incurred during the current fiscal year 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 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.

63 Stat. 907.

SEC. 303. During the current fiscal year 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).

80 Stat. 416.

80 Stat. 508; 81 Stat. 206.

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, 1973".

TITLE IV—THE JUDICIARY

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, $3,784,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, $355,000.

MISCELLANEOUS EXPENSES

For miscellaneous expenses, to be expended as the Chief Justice may approve, $423,000.

AUTOMOBILE FOR THE CHIEF JUSTICE

For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, $14,600.

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, $55,000.

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); $1,000,000: *Provided*, That not to exceed $95,000 of the unobligated balance of the appropriation under this head for the fiscal year 1972 is hereby continued available until June 30, 1973.

48 Stat. 668.

63 Stat. 954; 70 Stat. 743. 5 USC 5101 *et seq.*, 8331 *et seq.*

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, $684,000.

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; $2,341,000: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

80 Stat. 416.

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, $2,139,000.

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; $26,500,000.

68 Stat. 12.

Ante, p. 579.

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $76,008,000: *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 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 $41,326 and $31,744 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 $53,477 and $40,797 per annum, respectively.

80 Stat. 443.
5 USC 5101, 5332 note.

84 Stat. 1946.
5 USC 5301.

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), $14,500,000: *Provided*, That not to exceed $1,000,000 of the funds contained in this title shall be available for the compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia.

84 Stat. 916.

FEES OF JURORS

For fees, expenses, and costs of jurors; and compensation of jury commissioners; $18,500,000.

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, and the cost of contract statistical services for the officer of Register of Wills of the District of Columbia, $10,626,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, $3,600,000: *Provided*, That not to exceed $90,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

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, $6,258,000. 82 Stat. 1112.

SALARIES OF REFEREES

For salaries of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68), not to exceed $6,991,000, 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. 60 Stat. 326; 83 Stat. 864.

EXPENSES OF REFEREES

For expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed $12,660,000, 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 $440,000 shall be transferred to the appropriation for "Administrative Office of the United States Courts" for general administrative expense of the bankruptcy system. 60 Stat. 326, 329.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $1,544,000. 81 Stat. 664. 28 USC 620.

COMMISSION ON BANKRUPTCY LAWS OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary to carry out provisions of the Joint Resolution of July 24, 1970 (Public Law 91–354) (84 Stat. 468), $426,000, to be derived from the Referees' salary and expense fund, established pursuant to section 40c(4) of the Bankruptcy Act (11 U.S.C. 68(c)(4)). *Ante*, p. 63. 73 Stat. 259.

GENERAL PROVISIONS—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.

SEC. 403. None of the funds contained in this title shall be available for the salaries or expenses of deputy clerks in any office that has discontinued the taking of applications for passports subsequent to October 31, 1968, and has not resumed such service on a permanent basis.

Citation of title.

This title may be cited as the "Judiciary Appropriation Act, 1973".

TITLE V—RELATED 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 $62,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (two 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; $3,370,000: *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.

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.), $10,000,000.

75 Stat. 631.

COMMISSION ON AMERICAN SHIPBUILDING

SALARIES AND EXPENSES

For necessary expenses of the Commission on American Shipbuilding, as authorized by section 41 of the Merchant Marine Act of 1970 (84 Stat. 1037–1038), $550,000, to remain available until expended.

46 USC 1151 note.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $4,820,000.

COMMISSION ON INTERNATIONAL RADIO BROADCASTING

INTERNATIONAL RADIO BROADCASTING ACTIVITIES

For expenses necessary for international radio broadcasting and related activities, as authorized by law, including not to exceed $38,520,000 for grants to Radio Free Europe and Radio Liberty, $38,795,000.

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, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $1,700,000 for payments to State and local agencies for services to the Commission pursuant to title VII of the Civil Rights Act, $32,000,000.

78 Stat. 253; *Ante*, p. 103. 42 USC 2000e. 80 Stat. 416.

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, $5,679,000.

80 Stat. 508; 81 Stat. 206.

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; and 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; $743,000.

60 Stat. 1025; 81 Stat. 671. 22 USC 1131.

NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Fire Prevention and Control, authorized by Act of March 1, 1968 (Public Law 90–259), $450,000.

82 Stat. 36. 15 USC 278f note.

NATIONAL TOURISM RESOURCES REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Tourism Resources Review Commission established by section 6 of the International Travel Act of 1961, as amended (Public Law 91–477), $400,000, to remain available until August 25, 1973.

84 Stat. 1072.
22 USC 2126.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles, and not to exceed $5,000,000 for expenses necessary to carry out the provisions of section 406 of the Economic Opportunity Act of 1964, as amended, $22,560,000, and in addition there may be transferred to this appropriation not to exceed a total of $67,440,000 from the "Disaster loan fund", the "Business loan and investment fund", and the "Lease and 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 and surety bond guarantee programs.

81 Stat. 711.
42 USC 2906b.

31 USC 665.

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 obligations of the Small Business Administration authorized by the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Government National Mortgage Association Charter Act, as amended, $970,000.

81 Stat. 431.
78 Stat. 800;
80 Stat. 164.
12 USC 1717.

DISASTER LOAN FUND
BUSINESS LOAN AND INVESTMENT FUND
LEASE AND 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 for the "Disaster loan fund," the "Business loan and investment fund," and the "Lease and surety bond guarantees revolving fund."

61 Stat. 584.
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, $395,000,000, to remain available without fiscal year limitation.

Ante, p. 382.

DISASTER LOAN FUND

For additional capital for the "Disaster loan fund," authorized by the Small Business Act, as amended, $80,000,000, to remain available without fiscal year limitation.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For expenses necessary for the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $1,000,000: *Provided*, That none of the funds contained in this paragraph shall be made available for the collection and preparation of information which will not be available to Committees of Congress in the regular discharge of their duties. 80 Stat. 416.

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, and not to exceed $15,000 for expenses of travel, $350,000.

TARIFF COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Tariff Commission, not to exceed $90,000 for expenses of travel, and services as authorized by 5 U.S.C. 3109, $6,000,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff 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. 46 Stat. 701. 19 USC 1336, 1337, 1338.

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 (75 Stat. 527), 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 (1) persons on a temporary basis (not to exceed $20,000), (2) aliens within the United States, and (3) aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages (such aliens to be investigated for such employment in accordance with procedures established by the Director of the Agency and the Attorney General); travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States; salaries, expenses, and allowances of personnel and dependents as authorized 67 Stat. 642. 22 USC 1461 note. 22 USC 2451 note. 62 Stat. 6.

60 Stat. 999; 81 Stat. 671.

80 Stat. 416.

80 Stat. 306.

31 USC 529.

by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); entertainment within the United States not to exceed $500; hire of passenger motor vehicles; insurance on official motor vehicles in foreign countries; services as authorized by 5 U.S.C. 3109; payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens, by contract for service abroad; purchase of ice and drinking water abroad; payment of excise taxes on negotiable instruments abroad; purchase of uniforms for not to exceed fifteen guards; actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees who may die away from their homes while participating in activities authorized under this appropriation; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, scriptwriting, translation, and engineering services, by contract or otherwise; maintenance, improvement, and repair of properties used for information activities in foreign countries; fuel and utilities for Government-owned or leased property abroad; rental or lease for periods not exceeding five years of offices, buildings, grounds, and living quarters for officers and employees engaged in informational activities abroad; travel expenses for employees attending official international conferences, without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under 5 U.S.C. 5701–5708, but at rates not in excess of comparable allowances approved for such conferences by the Secretary of State; and purchase of objects for presentation to foreign governments, schools, or organizations: $188,000,000: *Provided*, That not to exceed $110,000 may be used for representation abroad: *Provided further*, That this appropriation shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current year: *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 amounts as may be otherwise provided 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.

80 Stat. 498; 83 Stat. 190.

63 Stat. 383.

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, $12,500,000, to remain available until expended.

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 (75 Stat. 527), $4,946,000, to remain available until expended: *Provided*, That not to exceed a total of $6,000 may be expended for representation.

76 Stat. 263.
22 USC 2452.

SPECIAL INTERNATIONAL EXHIBITIONS (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 in connection with special international exhibitions under the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527), $357,000, to remain available until expended: *Provided*, That not to exceed $1,250 may be expended for representation.

22 USC 2451 note.

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, $1,000,000, 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.

47 Stat. 412, 1517.

TITLE VI—FEDERAL PRISON INDUSTRIES, INCORPORATED

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation, 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 program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only), and hire of passenger motor vehicles, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $1,500,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $4,869,000 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.

80 Stat. 416.

TITLE VII—GENERAL PROVISIONS

Publicity or propaganda.

SEC. 701. 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. 702. 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. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Convicted rioters, payment prohibition.

SEC. 704. 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, prohibition.

SEC. 705. 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.

Funds for certain investigations, prohibition.

SEC. 706. No part of the funds appropriated by this Act shall be available to the Department of Justice or the Subversive Activities Control Board to carry out, execute or implement the provisions of Executive Order 11605 of July 2, 1971.

5 USC 7311 note.

Short title.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973".

Approved October 25, 1972.

Public Law 92-545

AN ACT

To authorize certain construction at military installations, and for other purposes.

October 25, 1972
[H.R. 15641]

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

Military Construction and Reserve Forces Facilities authorization acts, 1973.

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 CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $11,027,000.
Carlisle Barracks, Pennsylvania, $1,078,000.
Fort Dix, New Jersey, $1,215,000.
Fort Eustis, Virginia, $7,535,000.
Fort Knox, Kentucky, $20,244,000.
Fort Lee, Virginia, $1,048,000.
Fort George G. Meade, Maryland, $1,818,000.

(Third Army)

Fort Benning, Georgia, $6,040,000.
Fort Bragg, North Carolina, $964,000.
Fort Campbell, Kentucky, $10,957,000.
Fort Gordon, Georgia, $5,225,000.
Fort Jackson, South Carolina, $18,650,000.
Fort McClellan, Alabama, $333,000.
Fort Rucker, Alabama, $3,232,000.

(Fifth Army)

Fort Bliss, Texas, $3,382,000.
Fort Benjamin Harrison, Indiana, $1,966,000.
Fort Hood, Texas, $36,193,000.
Fort Leavenworth, Kansas, $1,054,000.
Fort Polk, Louisiana, $4,997,000.
Fort Riley, Kansas, $787,000.
Fort Sill, Oklahoma, $14,958,000.
Fort Leonard Wood, Missouri, $18,578,000.

(Sixth Army)

Fort Carson, Colorado, $16,098,000.
Presidio of Monterey, California, $4,118,000.
Fort Ord, California, $8,451,000.
Presidio of San Francisco, California, $12,367,000.

MILITARY DISTRICT OF WASHINGTON

Fort McNair, District of Columbia, $120,000.
Fort Myer, Virginia, $1,815,000.

UNITED STATES ARMY MATERIEL COMMAND

Anniston Army Depot, Alabama, $1,460,000.
Army Materials and Mechanics Research Center, Massachusetts, $332,000.
Harry Diamond Laboratories, Maryland, $20,867,000.
Edgewood Arsenal, Maryland, $1,902,000.
Lexington-Blue Grass Army Depot, Kentucky, $1,610,000.
Fort Monmouth, New Jersey, $475,000.
Pueblo Army Depot, Colorado, $654,000.
Redstone Arsenal, Alabama, $547,000.
Rock Island Arsenal, Illinois, $444,000.
Sierra Army Depot, California, $2,633,000.
Yuma Proving Ground, Arizona, $926,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

Various Locations, $1,923,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia, $1,549,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Ritchie, Maryland, $545,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $3,493,000.

ARMY MEDICAL DEPARTMENT

Fitzsimons General Hospital, Colorado, $685,000.
Walter Reed Army Medical Center, District of Columbia, $13,161,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey, $3,245,000.
Military Ocean Terminal, Sunny Point, North Carolina, $802,000.

UNITED STATES ARMY, ALASKA

Alaska General, Alaska, $673,000.
Fort Richardson, Alaska, $1,273,000.

UNITED STATES ARMY, HAWAII

Fort Kamehameha, Hawaii, $1,245,000.
Schofield Barracks, Hawaii, $2,918,000.
Tripler Army Medical Center, Hawaii, $1,589,000.

BARRACKS MODERNIZATION

Various Locations, $103,225,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $22,776,000.
Various Locations, Water Pollution Abatement, $36,502,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various Locations, $8,129,000.

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $2,018,000.

KWAJALEIN MISSILE RANGE

National Missile Range, $13,289,000.
Site Defense of Minuteman, $19,000,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $3,273,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various Locations, $1,412,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $11,953,000.

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, $58,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

Report to congressional committees.

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 (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) 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: *Provided*, That 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

Emergency construction.

Congressional committees, notification.

Authorization expiration.

work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, 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.

84 Stat. 1205.

SEC. 103. (a) Public Law 91–511, as amended, is amended under the heading "Inside the United States" in section 101 as follows:

(1) With respect to "Burlington Army Ammunition Plant, New Jersey", strike out "$384,000" and insert in place thereof "$650,000".

(2) With respect to "Sierra Army Depot, California", strike out "$369,000" and insert in place thereof "$761,000".

(3) With respect to "Tobyhanna Army Depot, Pennsylvania", strike out "$115,000" and insert in place thereof "$261,000".

85 Stat. 396.

(b) Public Law 91–511, as amended, is amended by striking out in clause (1) of section 602 "$180,502,000" and "$265,699,000" and inserting in place thereof "$181,306,000" and "$266,503,000", respectively.

85 Stat. 395.

SEC. 105. (a) Public Law 92–145 is amended under the heading "Pollution Abatement" in section 101 as follows: With respect to "Various Locations, Water Pollution Abatement Facilities", strike out "$34,791,000" and "$2,000,000" and insert in place thereof "$35,291,000" and "$2,500,000", respectively.

(b) Public Law 92–145 is amended by striking out in clause (1) of section 702 "$363,126,000" and "$404,500,000" and inserting in place thereof "$363;626,000" and "$405,000,000", respectively.

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

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $2,499,000.
Naval Hospital, Newport, Rhode Island, $423,000.
Navy Public Works Center, Newport, Rhode Island, $546,000.
Naval Station, Newport, Rhode Island, $2,050,000.
Naval Underwater Systems Center, Newport, Rhode Island, $2,257,000.
Naval War College, Newport, Rhode Island, $8,469,000.
Naval Air Rework Facility, Quonset Point, Rhode Island, $1,460,000.
Naval Air Station, Quonset Point, Rhode Island, $3,636,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $7,647,000.
Naval Submarine School, New London, Connecticut, $728,000.

FOURTH NAVAL DISTRICT

Naval Air Station, Lakehurst, New Jersey, $107,000.
Naval Air Test Facility, Lakehurst, New Jersey, $1,504,000.
Navy Finance Center, Cleveland, Ohio, $2,777,000.

NAVAL DISTRICT, WASHINGTON

Naval Academy, Annapolis, Maryland, $9,323,000.
Naval Air Test Center, Patuxent River, Maryland, $4,914,000.
Naval Electronic Systems Test and Evaluation Facility, St. Inigoes, Maryland, $140,000.
Naval Ordnance Laboratory, White Oak, Maryland, $438,000.
Naval Hospital, Quantico, Virginia, $185,000.

FIFTH NAVAL DISTRICT

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia, $294,000.
Naval Amphibious Base, Little Creek, Virginia, $1,300,000.
Navy Public Works Center, Norfolk, Virginia, $3,319,000.
Naval Shipyard, Norfolk, Virginia, $5,116,000.
Naval Station, Norfolk, Virginia, $3,186,000.
Naval Supply Center, Norfolk, Virginia, $5,968,000.
Naval Air Station, Oceana, Virginia, $2,347,000.
Naval Ophthalmic Support and Training Activity, Yorktown, Virginia, $421,000.
Naval Security Detachment, Sugar Grove, West Virginia, $475,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $479,000.
Naval Air Rework Facility, Jacksonville, Florida, $6,950,000.
Naval Air Station, Jacksonville, Florida, $3,676,000.
Naval Training Center, Orlando, Florida, $1,058,000.
Naval Coastal Systems Laboratory, Panama City, Florida, $1,216,000.
Naval Air Rework Facility, Pensacola, Florida, $6,275,000.
Naval Air Station, Pensacola, Florida, $2,850,000.
Naval Communications Training Center, Pensacola, Florida, $4,998,000.
Naval Hospital, Pensacola, Florida, $19,156,000.
Naval Air Station, Whiting Field, Florida, $756,000.
Naval Air Station, Glynco, Georgia, $1,213,000.
Naval Home, Gulfport, Mississippi, $3,300,000.
Naval Air Station, Meridian, Mississippi, $6,584,000.
Naval Shipyard, Charleston, South Carolina, $5,316,000.
Naval Station, Charleston, South Carolina, $3,452,000.
Naval Air Station, Memphis, Tennessee, $10,512,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $11,680,000.
Naval Ordnance Missile Test Facility, White Sands, New Mexico, $160,000.
Naval Ammunition Depot, McAlester, Oklahoma, $6,336,000.
Naval Air Station, Corpus Christi, Texas, $642,000.
Naval Air Station, Kingsville, Texas, $250,000.

NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, $108,000.
Naval Training Center, Great Lakes, Illinois, $5,147,000.

ELEVENTH NAVAL DISTRICT

Naval Amphibious Base, Coronado, California, $2,761,000.
Naval Air Station, Imperial Beach, California, $1,252,000.
Naval Shipyard, Long Beach, California, $5,586,000.
Naval Station, Long Beach, California, $1,844,000.
Naval Air Station, Miramar, California, $4,372,000.
Naval Air Rework Facility, North Island, California, $3,015,000.
Naval Air Station, North Island, California, $12,144,000.
Pacific Missile Range, Point Mugu, California, $665,000.
Naval Construction Battalion Center, Port Hueneme, California, $470,000.
Navy Public Works Center, San Diego, California, $1,758,000.
Naval Station, San Diego, California, $8,291,000.
Navy Submarine Support Facility, San Diego, California, $631,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $8,134,000.
Naval Facility, Centerville Beach, Ferndale, California, $664,000.
Naval Air Station, Lemoore, California, $3,981,000.
Naval Schools Command, Mare Island, Vallejo, California, $5,153,000.
Naval Shipyard, Mare Island, Vallejo, California, $4,450,000.
Naval Air Station, Moffet Field, California, $5,491,000.
Fleet Numerical Weather Central, Monterey, California, $2,830,000.
Naval Station, Treasure Island, San Francisco, California, $2,690,000.
Naval Security Group Activity, Skaggs Island, California, $615,000.
Naval Air Station, Fallon, Nevada, $214,000.
Naval Ammunition Depot, Hawthorne, Nevada, $6,003,000.

THIRTEENTH NAVAL DISTRICT

Naval Communication Station, Adak, Alaska, $591,000.
Naval Arctic Research Laboratory, Barrow, Alaska, $1,114,000.
Naval Shipyard, Puget Sound, Bremerton, Washington, $5,992,000.
Naval Torpedo Station, Keyport, Washington, $96,000.
Naval Air Station, Whidbey Island, Washington, $8,744,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $100,000.
Naval Ammunition Depot, Oahu, Hawaii, $10,089,000.
Naval Dispensary, Pearl Harbor, Hawaii, $3,593,000.
Naval Shipyard, Pearl Harbor, Hawaii, $424,000.
Naval Station, Pearl Harbor, Hawaii, $2,623,000.
Naval Submarine Base, Pearl Harbor, Hawaii, $2,755,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, $5,233,000.
Marine Corps Development and Education Command, Quantico, Virginia, $6,492,000.
Marine Corps Base, Camp Lejeune, North Carolina, $9,672,000.
Marine Corps Air Station, Cherry Point, North Carolina, $2,143,000.
Marine Corps Air Station, New River, North Carolina, $3,748,000.
Fleet Marine Force, Atlantic, Norfolk, Virginia, $2,602,000.

Marine Corps Supply Center, Albany, Georgia, $236,000.
Marine Corps Air Station, Beaufort, South Carolina, $2,757,000.
Marine Corps Recruit Depot, Parris Island, South Carolina, $4,612,000.
Marine Corps Air Station, Yuma, Arizona, $2,030,000.
Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $2,996,000.
Marine Corps Base, Camp Pendleton, California, $14,972,000.
Marine Corps Air Station, El Toro, California, $523,000.
Marine Corps Air Stations, Orange County, California, $40,379,000.
Marine Corps Base, Twentynine Palms, California, $2,017,000.
Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, $1,050,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $25,194,000.
Various Locations, Water Pollution Abatement Facilities, $55,016,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Communication Station, Ponce, Puerto Rico, $586,000.
Naval Facility, Ramey Air Force Base, Puerto Rico, $207,000.
Naval Station, Roosevelt Roads, Puerto Rico, $1,497,000.
Naval Security Group Activity, Sabana Seca, Puerto Rico, $660,000.
Naval Facility, Grand Turk, The West Indies, $271,000.

ATLANTIC OCEAN AREA

Naval Air Facility, Lajes, Azores, $120,000.
Naval Air Station, Bermuda, Bermuda Islands, $90,000.
Naval Air Station, Guantanamo Bay, Cuba, $144,000.
Naval Hospital, Guantanamo Bay, Cuba, $738,000.
Naval Station, Guantanamo Bay, Cuba, $3,310,000.
Naval Station, Keflavik, Iceland, $1,297,000.

EUROPEAN AREA

Naval Communication Unit, London, England, $88,000.
Naval Detachment, Souda Bay, Crete, Greece, $5,308,000.
Naval Air Facility, Sigonella, Sicily, Italy, $8,932,000.
Naval Station, Rota, Spain, $860,000.

INDIAN OCEAN AREA

Naval Communication Facility, Diego Garcia, Chagos Archipelago, $6,100,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,743,000.
Naval Air Station, Agana, Guam, Mariana Islands, $1,008,000.
Naval Hospital, Guam, Mariana Islands, $598,000.
Naval Magazine, Guam, Mariana Islands, $968,000.
Navy Public Works Center, Guam, Mariana Islands, $158,000.
Naval Station, Guam, Mariana Islands, $202,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $4,470,000.

Naval Communications Station, San Miguel, Republic of the Philippines, $395,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, $267,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement Facilities, $1,200,000.

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: *Provided*, That 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 work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, 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.

SEC. 203. (a) Public Law 89–568, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows: With respect to Naval Shipyard, San Francisco, California, strike out "$3,412,000" and insert in place thereof "$4,017,000".

82 Stat. 379.

(b) Public Law 89–568, as amended, is amended by striking out in clause (2) of section 602 "$123,909,000" and "$148,072,000" and inserting in place thereof "$124,514,000" and "$148,677,000", respectively.

84 Stat. 1213.

SEC. 204. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "$1,590,000" and insert in place thereof "$2,575,000".

81 Stat. 284.

(b) Public Law 90–110, as amended, is amended by striking out in clause (2) of section 802, "$422,599,000" and "$470,796,000" and inserting in place thereof "$423,584,000" and "$471,781,000", respectively.

83 Stat. 302.

SEC. 205. (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 Naval Observatory Flagstaff Station, Flagstaff, Arizona, strike out "$286.000" and insert in place thereof "$1,804,000".

(2) With respect to Marine Corps Base, Camp Lejeune, North Carolina, strike out "$1,384,000" and insert in place thereof "$1,703,000".

(b) Public Law 91–511, as amended, is amended under the heading "OUTSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Magazine, Guam Mariana Islands, strike out "$3,287,000" and insert in place thereof "$7,457,000".

(c) Public Law 91-511, as amended, is amended by striking out in clause (2) of section 602, "$246,118,000", "$21,994,000" and "$269,086,000" and inserting in place thereof "$246,955,000", "$26,164,000" and "$274,093,000", respectively. 84 Stat. 1221; 85 Stat. 401.

TITLE III

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: Air Force.

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $5,423,000.
Tyndall Air Force Base, Panama City, Florida, $388,000.

AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio, $138,000.
Hill Air Force Base, Ogden, Utah, $2,755,000.
Kelly Air Force Base, San Antonio, Texas, $4,444,000.
McClellan Air Force Base, Sacramento, California, $9,318,000.
Robins Air Force Base, Macon, Georgia, $8,149,000.
Tinker Air Force Base, Oklahoma City, Oklahoma, $10,569,000.
Wright-Patterson Air Force Base, Dayton, Ohio, $14,074,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $300,000.
Brooks Air Force Base, San Antonio, Texas, $3,566,000.
Edwards Air Force Base, Muroc, California, $534,000.
Eglin Air Force Base, Valparaiso, Florida, $10,920,000.
Kirtland Air Force Base, Albuquerque, New Mexico, $893,000.
Satellite Tracking Facilities, $151,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, $5,875,000.
Keesler Air Force Base, Biloxi, Mississippi, $4,454,000.
Lackland Air Force Base, San Antonio, Texas, $3,644,000.
Laredo Air Force Base, Laredo, Texas, $133,000.
Laughlin Air Force Base, Del Rio, Texas, $711,000.
Lowry Air Force Base, Denver, Colorado, $987,000.
Mather Air Force Base, Sacramento, California, $1,558,000.
Randolph Air Force Base, San Antonio, Texas, $674,000.
Reese Air Force Base, Lubbock, Texas, $2,235,000.
Sheppard Air Force Base, Wichita Falls, Texas, $5,074,000.
Williams Air Force Base, Chandler, Arizona, $329,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, $3,000,000.

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ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $2,885,000.
Various Locations, $2,012,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $3,714,000.
Bolling Air Force Base, Washington, District of Columbia, $20,226,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $543,000.
Dover Air Force Base, Dover, Delaware, $3,164,000.
McChord Air Force Base, Tacoma, Washington, $1,470,000.
McGuire Air Force Base, Wrightstown, New Jersey, $4,509,000.
Norton Air Force Base, San Bernardino, California, $1,009,000.
Scott Air Force Base, Belleville, Illinois, $359,000.
Travis Air Force Base, Fairfield, California, $274,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $4,330,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $2,708,000.
Blytheville Air Force Base, Blytheville, Arkansas, $92,000.
Davis-Monthan Air Force Base, Tucson, Arizona, $2,665,000.
Ellsworth Air Force Base, Rapid City, South Dakota, $103,000.
Grand Forks Air Force Base, Grand Forks, North Dakota, $1,812,000.
Griffiss Air Force Base, Rome, New York, $3,306,000.
Grissom Air Force Base, Peru, Indiana, $138,000.
K. I. Sawyer Air Force Base, Marquette, Michigan, $338,000.
Loring Air Force Base, Limestone, Maine, $2,523,000.
Malmstrom Air Force Base, Great Falls, Montana, $1,145,000.
March Air Force Base, Riverside, California, $4,512,000.
Minot Air Force Base, Minot, North Dakota, $1,664,000.
Offutt Air Force Base, Omaha, Nebraska, $5,271,000.
Vandenberg Air Force Base, Lompoc, California, $3,185,000.
Westover Air Force Base, Chicopee Falls, Massachusetts, $455,000.
Wurtsmith Air Force Base, Oscoda, Michigan, $948,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $210,000.
Cannon Air Force Base, Clovis, New Mexico, $558,000.
England Air Force Base, Alexandria, Louisiana, $2,095,000.
George Air Force Base, Victorville, California, $501,000.
Holloman Air Force Base, Alamogordo, New Mexico, $772,000.
Homestead Air Force Base, Homestead, Florida, $3,184,000.
Langley Air Force Base, Hampton, Virginia, $2,514,000.
MacDill Air Force Base, Tampa, Florida, $4,428,000.
Mountain Home Air Force Base, Mountain Home, Idaho, $318,000.
Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $145,000.
Nellis Air Force Base, Las Vegas, Nevada, $2,722,000.
Pope Air Force Base, Fayetteville, North Carolina, $1,955,000.

Shaw Air Force Base, Sumter, South Carolina, $4,000,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $3,312,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $1,564,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $7,300,000.
Various Locations, Water Pollution Abatement Facilities, $9,691,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $12,000,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Satellite Tracking Facilities, $310,000.

AEROSPACE DEFENSE COMMAND

Naval Station, Keflavik, Iceland, $1,704,000.

PACIFIC AIR FORCES

Various Locations, $4,612,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $800,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $11,422,000.
United Kingdom, $5,605,000.
Various Locations, $3,404,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $171,000.
Various Locations, Water Pollution Abatement Facilities, $4,537,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified 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 in the total amount of $18,660,000.

Classified installations, establishment.

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: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that

Emergency construction.

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: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committee 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 work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, 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.

SEC. 304. (a) Public Law 91–142, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 301 as follows: With respect to Williams Air Force Base, Chandler, Arizona, strike out "$4,462,000" and insert in place thereof "$5,008,000".

83 Stat. 305.

(b) Public Law 91–142, as amended, is amended by striking out in clause (c) of section 702 "$208,611,000" and "$268,994,000" and inserting in place thereof "$209,157,000" and "$269,540,000", respectively.

83 Stat. 314.

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 INTELLIGENCE AGENCY

Arlington Hall Station, Virginia, $1,600,000.

DEFENSE NUCLEAR AGENCY

Naval Ordnance Laboratory, White Oak, Maryland, $2,236,000.

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, $360,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing Facility, Tracy, California, $137,000.

Defense Construction Supply Center, Columbus, Ohio, $1,199,000.

Defense Documentation Center, Alexandria, Virginia, $98,000.

Defense Depot, Mechanicsburg, Pennsylvania, $722,000.

Defense Depot, Memphis, Tennessee, $828,000.

Defense Depot, Ogden, Utah, $1,091,000.

Defense Depot, Tracy Annex, Stockton, California, $682,000.

Defense Electronics Supply Center, Dayton, Ohio, $159,000.

Defense General Supply Center, Richmond, Virginia, $1,171,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $5,221,000.

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 $17,500,000: *Provided*, That 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 work undertaken under this section, including real estate actions pertaining thereto.

Congressional committees, notification.

TITLE V

MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, 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 adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, 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.

Construction authorization.

Congressional committees, notification.

(a) Family housing units—

(1) The Department of the Army, three thousand nine hundred and forty-eight units $100,098,000:

Army.

National Guard Battalion Headquarters, Bethel, Alaska, two units.

National Guard Battalion Headquarters, Nome, Alaska, two units.

Fort Huachuca, Arizona, one hundred units.

Sierra Army Depot, California, eighty units.

Fort Carson, Colorado, three hundred units.

Walter Reed Army Medical Center, District of Columbia, three hundred units.

Fort Benning, Georgia, four hundred and seventy-four units.

United States Army Installations, Oahu, Hawaii, six hundred and forty units.

Fort Riley, Kansas, one hundred units.

United States Army Installations, St. Louis, Missouri, two hundred units.

Fort Monmouth, New Jersey, one hundred units.

Fort Bragg/Pope Air Force Base, North Carolina, five hundred units.

Fort Hood, Texas, one thousand units.

Fort Belvoir, Virginia, one hundred and fifty units.

(2) The Department of the Navy, four thousand six hundred units, $119,900,000:

Navy.

Naval Complex, Long Beach, California, four hundred units.

Marine Corps Base, Camp Pendleton, California, four hundred units.

Marine Corps Base, Twentynine Palms, California, one hundred units.

Naval Complex, Washington, District of Columbia, six hundred units.

Naval Training Center, Orlando, Florida, three hundred units, and additional real estate.

Naval Complex, Oahu, Hawaii, five hundred units.

Naval Complex, Great Lakes/Glenview, Illinois, three hundred and fifty units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Naval Air Station, Meridian, Mississippi, two hundred units.

Naval Air Station, Lakehurst, New Jersey, two hundred units.

Naval Complex, Newport, Rhode Island, one hundred and fifty units.

Naval Complex, Charleston, South Carolina, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units, and additional real estate.

Naval Security Group Activity, Galeta Island, Canal Zone, twenty units.

Naval Complex, Guam, Marianas Islands, two hundred and thirty units.

Naval Air Station, Bermuda, two hundred and fifty units.

Air Force. (3) The Department of the Air Force, three thousand one hundred and sixty-eight units, $76,024,000:

Maxwell/Gunter Air Force Bases, Alabama, two hundred units.

Davis-Monthan Air Force Base, Arizona, four hundred units.

Lowry Air Force Base, Colorado, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Nellis Air Force Base, Nevada, two hundred units.

Laredo Air Force Base, Texas, two hundred units.

Hill Air Force Base/Defense Depot, Ogden, Utah, three hundred and eighteen units.

Langley Air Force Base, Virginia, five hundred units.

San Vito Air Station, Italy, one hundred and fifty units.

Incirlik Air Base, Turkey, two hundred units.

(b) Mobile home facilities:

(1) The Department of the Army, four hundred and twenty-one spaces, $1,662,000.

(2) The Department of the Navy, four hundred and thirty-two spaces, $1,725,000.

(3) The Department of the Air Force, five hundred and fifty spaces, $2,000,000.

Cost limitations. SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $42,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $33,500 and in no event shall the cost of any unit exceed $42,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

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, $22,511,000.

(2) for the Department of the Navy, $9,121,000.

(3) for the Department of the Air Force, $11,955,000.

Brazil.

SEC. 504. Notwithstanding the limitations contained in section 502 of this Act, the Secretary of Defense, or his designee, is authorized to construct or otherwise acquire, four-family housing units in Brazil at a total cost not to exceed $215,000. This authority shall include the authority to acquire lands and interests in land.

Repairs and improvements, cost limitation exceptions.

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 $10,000 limitation prescribed in section 610(a) of Public Law 90–110, as amended (81 Stat. 279, 305), as follows:

The United States Naval Academy, Annapolis, Maryland, eleven units, $275,000.

Royal Air Force Station, Mildenhall, New Market, United Kingdom, one unit, $18,500.

Leasing of facilities.
84 Stat. 1220; 85 Stat. 407.
10 USC 2674 note.

SEC. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended by (1) striking out "1972 and 1973" in the first sentence and inserting in lieu thereof "1973 and 1974", and (2) striking out the third sentence and inserting a new sentence 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 Hawaii), Puerto Rico, and Guam an average of $210 per month for each military department, or the amount of $290 per month for any one unit; and, for Hawaii, an average of $255 per month for each military department, or the amount of $300 per month for any one unit."

81 Stat. 304; 85 Stat. 407.
42 USC 1594k.

SEC. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is amended by (1) striking out "1972 and 1973" and inserting in lieu thereof "1973 and 1974", and (2) striking out "$210" and inserting in lieu thereof "$225".

Inadequate quarters, exceptions.
76 Stat. 451; 80 Stat. 1121.

SEC. 508. (a) Notwithstanding the provisions of any other law, members of the uniformed services (as defined in section 101(3) of title 37, United States Code), with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of a military department notwithstanding that such quarters may have been con-

structed or converted for assignment as public quarters, subject to a charge against their basic allowance for quarters in the amount of the fair rental value of the housing facility: *Provided*, That notwithstanding the fair rental value of such family housing facility, no charge for occupancy thereof shall be made against the basic allowance for quarters of the occupant in excess of 75 per centum of such allowance, except that in no event shall the total charge to the occupants' basic allowance for quarters for such housing at any installation be less than the cost of maintenance and operation thereof. The net difference between the basic allowance for quarters and the occupancy charge shall be paid to the occupant from otherwise available appropriations.

(b) The Secretaries of the Military Departments are each authorized, subject to regulations approved by the Secretary of Defense—

(1) to designate as rental housing such housing as he may determine to be inadequate as public quarters; and,

(2) to lease inadequate housing to personnel of any of the mentioned services for occupancy by them and their dependents.

In no event shall more than a total of 20,000 housing units be determined inadequate as public quarters under authority of this section.

Repeal.
81 Stat. 305.

(c) On the effective date of this section, section 407 of Public Law 85–241 (71 Stat. 556), as amended (42 U.S.C. 1594j), is repealed.

Appropriation.

SEC. 509. 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 and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $319,792,000, and,

(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 $730,949,000.

84 Stat. 1865.

TITLE VI

HOMEOWNERS ASSISTANCE

Property acquisition at closed military bases.
84 Stat. 1226.
42 USC 3374.

SEC. 601. Effective November 30, 1970, section 1013 of Public Law 89–754 (80 Stat. 1255, 1290) as amended, is amended by (1) deleting the period at the end of subsection 1013(d) and adding the following: ", except in connection with compensation for property located on a base or installation pursuant to subsection (1).", and by (2) adding the following new subsection:

Foreign property loss, compensation.

"(1) Notwithstanding the provisions of subsection (a)(2) and the second proviso of subsection (b), Federal employees or military personnel employed at or near a military base or installation outside the United States who are otherwise eligible under the criteria as set forth above shall be entitled to compensation for losses arising (1) out of the sale of property, or (2) out of the inability to sell property located on a base or installation, incident to the owner's transfer, reassignment, or involuntary termination of employment, which results in his relocation. Such employees or military personnel whose property is located off a base or installation shall be entitled to compensation under subsection (c) for losses sustained in private sales. Such

employees or personnel whose property is located on a base or installation, who sell or are unable to find a purchaser for such property, may surrender their interest in such property to the United States, and shall be entitled to compensation, notwithstanding lack of ownership of the land on which such property is located, in an amount equal to (A) 90 per centum of the sum of the present owner's purchase price of the dwelling and improvements, and all costs of ownership including interest on notes, utilities and services, maintenance and insurance, less (B) the total of all housing allowances received from the Government during ownership and occupancy of the dwelling, all rents collected, and the sale price, if any, received for the property, as determined by the Secretary of Defense: *Provided, however*, That the maximum compensation shall in no event exceed 90 per centum of the unamortized portion of the cost of the property, including improvements, at the time ownership is terminated, as reflected in the amortization schedule, if any, relating to such property. For the purpose of this subsection, the term 'United States' means the several States and the District of Columbia."

Limitation.

"United States."

TITLE VII

GENERAL PROVISIONS

SEC. 701. 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(d) and 9774(d) 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.

Construction authority.
Waiver of restrictions.

70A Stat. 269, 590.

SEC. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public work projects authorized by titles I, II, III, IV, and V, shall not exceed—

Appropriation.

(1) for title I: Inside the United States, $441,704,000; outside the United States, $117,074,000; or a total of $558,778,000.

(2) for title II: Inside the United States, $474,450,000; outside the United States, $41,217,000; or a total of $515,667,000.

(3) for title III: Inside the United States, $232,925,000; outside the United States, $32,565,000; section 302, $18,660,000; or a total of $284,150,000.

(4) for title IV: A total of $33,004,000.

(5) for title V: Military family housing, $1,050,741,000.

SEC. 703. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary 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. However, 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.

Cost variations.

(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 Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned 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.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, 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 after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

Annual report to Congress.

(d) 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 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.

Contract supervision.

SEC. 704. 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

Reports to Congress.

70A Stat. 127.
10 USC 2301.
Reports to Congress.

House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Public works authorizations. Repeals.

SEC. 705. (a) As of October 1, 1973, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 27, 1971, Public Law 92–145 (85 Stat. 394), and all such authorizations contained in Acts approved before October 28, 1971, 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 acquisitions, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1973, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 705(a) of the Act of October 27, 1971, Public Law 92–145 (85 Stat. 394, 410), authorizations for the following items which shall remain in effect until October 1, 1974:

(A) utilities in the amount of $2,200,000 at Fort Belvoir, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(B) utilities in the amount of $2,333,000 at Radford Army Ammunition Plant, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(C) utilities in the amount of $876,000 at Fort Ritchie, Maryland, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(D) land acquisition contiguous to the Marine Corps Air Station, El Toro, California, as authorized in title II, section 204 of the Act of October 26, 1970 (84 Stat. 1204, 1212).

(E) land acquisition contiguous to the Marine Corps Air Station, Santa Ana, California, as authorized in title II, section 205 of the Act of October 26, 1970 (84 Stat. 1204, 1212).

Family housing construction authorizations. Repeals; effective date.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

Exceptions.

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

Unit cost limitations.

SEC. 706. 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 cost index is 1.0:

(1) $27.00 per square foot for permanent barracks;

(2) $29.00 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: *Provided*, That notwithstanding the limitations contained in prior Military Construction 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.

Retroactive provision.

Legislative jurisdiction, relinquishment.
84 Stat. 1226.

SEC. 707. Section 2683, title 10, United States Code (relating to relinquishment of legislative jurisdiction) is amended by revising subsection (a) thereof to read as follows:

"(a) Notwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

Camp Pendleton, Calif., prohibition.

SEC. 708. Section 709 of Public Law 92-145 (85 Stat. 394, 414) is amended to read as follows: "Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, tranferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law: *Provided, however*, That with respect to said lands the Secretary of the Navy, or his designee, may grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code."

70A Stat. 147; *Supra*.
10 USC 2661.
Rental limitation.
74 Stat. 186.

SEC. 709. Section 2662 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(e) No element of the Department of Defense shall occupy any general purpose space leased for it by the General Services Administration at an annual rental in excess of $50,000 (excluding the cost of utilities and other operation and maintenance services), if the effect of such occupancy is to increase the total amount of such leased space occupied by all elements of the Department of Defense, until the expiration of thirty days from the date upon which a report of the facts concerning the proposed occupancy is submitted to the Committees on Armed Services of the Senate and the House of Representatives."

Report to congressional committees.

Citation of titles.

SEC. 710. Titles I, II, III, IV, V, VI, and VII, of this Act may be cited as the "Military Construction Authorization Act, 1973".

TITLE VIII

RESERVE FORCES FACILITIES

70A Stat. 120.
10 USC 2231.

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the 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, $33,570,000.
(b) Army Reserve, $33,500,000.
(2) For the Department of the Navy: Naval and Marine Corps Reserves, $19,215,000.
(3) For the Department of the Air Force:
(a) Air National Guard of the United States, $14,500,000.
(b) Air Force Reserve, $6,400,000.

SEC. 802. 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(d) and 9774(d) 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. 70A Stat. 269, 590

SEC. 803. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1973". Citation of title.

Approved October 25, 1972.

Public Law 92-546

AN ACT

October 25, 1972
[H. R. 15763]

To amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 25 of title 44, United States Code, is amended as follows: National Historical Publications Commission.

(a) In section 2501, by inserting immediately after the word "Association;" where it appears for the second time, the following: "two members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one of whom shall be appointed for an initial term of two years, and whose successors shall each serve four years;". Additional members. 82 Stat. 1293.

(b) In section 2503, by deleting "$25" and inserting in lieu thereof "$40".

(c) In section 2504, by inserting at the beginning of the text subsection designation "(a)", and by adding at the end thereof a new subsection (b), as follows: Appropriation.

"(b) There is hereby authorized to be appropriated to the General Services Administration for the fiscal year ending June 30, 1973, and for each of the four succeeding fiscal years an amount not to exceed $2,000,000 for each year for the purposes specified in subsection (a) of this section: *Provided*, That such appropriations shall be available until expended when so provided in appropriation Acts."

SEC. 2. Section 503(f) of the Federal Property and Administrative Services Act of 1949, as added by the Act of July 28, 1964 (78 Stat. 335), and as amended by the Act of August 8, 1968 (82 Stat. 638), is repealed. Repeal. 44 USC 2504 note.

Approved October 25, 1972.

Public Law 92-547

October 25, 1972
[H. R. 16754]

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

Military Construction Appropriation Act, 1973.

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, 1973, 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, $413,955,000, to remain available until expended.

72 Stat. 1459; 84 Stat. 1224.

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, $517,830,000, 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, $265,552,000, 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 Civil Defense 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, $36,704,000, 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.

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, $40,000,000, to remain available until expended.

70A Stat. 120. 10 USC 2231.

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, $16,100,000, to remain available until expended.

70A Stat. 120.
10 USC 2231.

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, $38,200,000, 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, $20,500,000, 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, $7,000,000, 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, $1,064,046,000, 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:

76 Stat. 236.
42 USC 1594a-1.

For the Army:
Construction, $122,825,000;
For the Navy and Marine Corps:
Construction, $123,079,000;
For the Air Force:
Construction, $86,958,000;
For Defense agencies:
Construction, $235,000;
For Department of Defense:
Debt payment, $157,464,000;
Operation, maintenance, $573,485,000.

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 construction authorized for each such department by the authorizations enacted into law during the second session of the Ninety-second 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.

SEC. 105. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

Access roads, construction.

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.

72 Stat. 908.

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 projects.

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.

Short title.

This Act may be cited as the "Military Construction Appropriation Act, 1973".

Approved October 25, 1972.

Public Law 92-548

AN ACT

October 25, 1972
[H. R. 15375]

To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973.

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 Traffic and Motor Vehicle Safety Act Amendments of 1972".

National Traffic and Motor Vehicle Safety Act Amendments of 1972.

SEC. 2. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

80 Stat. 728; 84 Stat. 262.

"SEC. 121. For the purpose of carrying out this Act there is authorized to be appropriated $52,714,000 for the fiscal year ending June 30, 1973.".

Appropriation.

SEC. 3. Section 123 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410) is amended to read as follows:

Safety standards, exemption.
82 Stat. 72.

"SEC. 123. (a) Except as provided in subsection (d) of this section, upon application by a manufacturer at such time, in such manner, and containing such information as required in this section and as the Secretary shall prescribe, the Secretary may, after publication of notice and opportunity to comment and under such terms and conditions and to such extent as he deems appropriate, temporarily exempt or renew the exemption of a motor vehicle from any motor vehicle safety standard established under this title if he finds—

"(1) (A) that compliance would cause such manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted,

"(B) that such temporary exemption would facilitate the development or field evaluation of new motor vehicle safety features which provide a level of safety which is equivalent to or exceeds the level of safety established in each standard from which an exemption is sought,

"(C) that such temporary exemption would facilitate the development or field evaluation of a low-emission motor vehicle and would not unreasonably degrade the safety of such vehicle, or

"(D) that requiring compliance would prevent a manufacturer from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of non-exempted motor vehicles; and

"(2) that such temporary exemption would be consistent with the public interest and the objectives of the Act.

Notice of each decision to grant a temporary exemption and the reasons for granting it shall be published in the Federal Register.

Publication in Federal Register.

"(b) The Secretary shall require permanent labeling of each exempted motor vehicle. Such label shall either name or describe each of the standards from which the motor vehicle is exempted and be affixed to such exempted vehicles. The Secretary may require that written notification of the exemption be delivered to the dealer and first purchaser for purposes other than the resale of such exempted motor vehicle in such manner as he deems appropriate.

Labeling.

"(c) (1) No exemption or renewal granted under paragraph (1) (A) of subsection (a) of this section shall be granted for a period longer than three years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

Limitation.

"(2) No exemption or renewal granted under paragraph (1)(B), (1)(C), or (1)(D) of subsection (a) of this section shall be granted for a period longer than two years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

Ineligibility.

"(d)(1) No manufacturer whose total motor vehicle production in its most recent year of production exceeds 10,000, as determined by the Secretary, shall be eligible to apply for an exemption under paragraph (1)(A) of subsection (a) of this section.

"(2) No manufacturer shall be eligible to apply for exemption under paragraph (1)(B), (1)(C), or (1)(D) of subsection (a) of this section for more than 2,500 vehicles to be sold in the United States in any 12 month period, as determined by the Secretary.

Application.

"(e) Any manufacturer applying for an exemption on the basis of paragraph (1)(A) of subsection (a) of this section shall include in the application a complete financial statement showing the basis of the economic hardship and a complete description of its good faith efforts to comply with the standards. Any manufacturer applying for an exemption on the basis of paragraph (1)(B) of subsection (a) of this section shall include in the application research, development, and testing documentation establishing the innovational nature of the safety features and a detailed analysis establishing that the level of safety of the new safety feature is equivalent to or exceeds the level of safety established in the standard from which the exemption is sought. Any manufacturer applying for an exemption on the basis of paragraph (1)(C) of subsection (a) of this section shall include in the application research, development, and testing documentation establishing that the safety of such vehicle is not unreasonably degraded and that such vehicle is a low-emission motor vehicle. Any manufacturer applying for an exemption on the basis of paragraph (1)(D) of subsection (a) of this section shall include in the application a detailed analysis of how the vehicle provides an overall level of safety equivalent to or exceeding the overall level of safety of nonexempted motor vehicles.

Regulations.
Publication in Federal Register.

"(f) The Secretary shall promulgate regulations within 90 days (which time may be extended by the Secretary by a notice published in the Federal Register stating good cause therefor) after the date of the enactment of this subsection for applications for exemption from any motor vehicle safety standard provided for in this section. The Secretary may make public within 10 days of the date of filing an application under this section all information contained in such application or other information relevant thereto unless such information concerns or relates to a trade secret, or other confidential business information, not relevant to the application for exemption.

"Low-emission motor vehicle."

"(g) For the purpose of this section, the term 'low-emission motor vehicle' means any motor vehicle which—

"(1) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under section 202 of the Clean Air Act (42 U.S.C. 1857f–1) at the time of manufacture to that type of vehicle; and

84 Stat. 1690.

"(2) with respect to all other air pollutants meets the new motor vehicle standards applicable under section 202 of the Clean Air Act at the time of manufacture to that type of vehicle."

Approved October 25, 1972.

Public Law 92-549

AN ACT

October 25, 1972
[H. R. 15461]

To facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, 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 "American-Mexican Boundary Treaty Act of 1972".

American-Mexican Boundary Treaty Act of 1972.

TITLE I—AUTHORIZATION FOR CARRYING OUT TREATY PROVISIONS

SEC. 101. In connection with the treaty between the United States of America and the United Mexican States to resolve pending boundary differences and maintain the Rio Grande and the Colorado River as the international boundary between the United States of America and the United Mexican States, signed November 23, 1970 (hereafter in this Act referred to as the "treaty"), the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States, and Mexico (hereafter in this Act referred to as the "Commissioner"), is authorized—

23 UST 371.

Investigations.

(1) to conduct technical and other investigations relating to—

(A) the demarcation, mapping, monumentation, channel relocation, rectification, improvement, stabilization, and other matters relating to the preservation of the river boundaries between the United States and Mexico;

(B) the establishment and delimitation of the maritime boundaries in the Gulf of Mexico and in the Pacific Ocean;

(C) water resources; and

(D) the sanitation and the prevention of pollution;

Land acquisition, purposes.

(2) to acquire by donation, purchase, or condemnation, all lands or interests in lands required—

(A) for transfer to Mexico as provided in the treaty;

(B) for construction of that portion of new river channels and the adjoining levees in the territory of the United States;

(C) to preserve the Rio Grande and the Colorado River as the boundary by preventing the construction of works which may cause deflection or obstruction of the normal flow of the rivers or of their floodflows; and

(D) for relocation of any structure or facility, public or private, the relocation of which, in the judgment of the Commissioner, is necessitated by the project; and

Damages, repair or compensation.

(3) to remove, modify, or repair the damages caused to Mexico by works constructed in the United States which the International Boundary and Water Commission, United States and Mexico, as determined have an adverse effect on Mexico, or to compensate Mexico for such damages.

SEC. 102. The Commissioner is authorized—

Construction.

(1) to construct, operate, and maintain all works provided for in the treaty and title I of this Act;

Property relocation, contracts.

(2) to enter into contracts with the owners of properties to be relocated whereby such owners undertake to perform, at the expense of the United States, any or all operations involved in such relocations; and

Transfer of authority.

(3) to turn over the operation and maintenance of any works referred to in paragraph (1) of this section to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such works may be situated, in whole or in part, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

Excess land sale.

SEC. 103. Nothwithstanding any other provision of law, the Commissioner is authorized to dispose of by warranty deed, or otherwise, any land acquired by him on behalf of the United States, or obtained by the United States pursuant to treaty between the United States and Mexico, and not required for project purposes, under procedures to be formulated by the Commissioner, to adjoining landowners at such price as he considers fair and equitable, and, if not so disposed of, to turn such land over to the General Services Administration for disposal under the provisions of the Federal Property and Administrative Services Act of 1949.

63 Stat. 377.
40 USC 471 note.

Channel shifts, boundary determination.

SEC. 104. When a determination must be made under the treaty whether to permit a new channel to become the boundary, or whether or not to restore a river to its former channel, or whether, instead of restoration, the Governments should undertake a rectification of the river channel, the Commissioner's decision, approved by the Secretary of State, shall be final so far as the United States is concerned, and the Commissioner is authorized to construct or arrange for the construction of such works as may be required to give effect to that decision.

Acquired land, addition to State.

SEC. 105. Land acquired or to be acquired by the United States of America in accordance with the provisions of the treaty, including the tract provided for in section 106, shall become a geographical part of the State to which it attaches and shall be under the civil and criminal jurisdiction of such State, without affecting the ownership of such land. The addition of land and the ceding of jurisdiction to a State shall take effect upon acceptance by such State.

State jurisdiction.

Hidalgo-Reynosa lands, administration.

SEC. 106. Upon transfer of sovereignty from Mexico to the United States of the 481.68 acres of land acquired by the United States from Mexico near Hidalgo-Reynosa, administration over the portion of that land which is determined by the Commissioner not to be required for the construction and maintenance of the relocated river channel shall be assumed by the Department of the Interior; and the Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, is authorized to plan, establish, develop, and administer such portion of the acquired lands as a part of the national wildlife refuge system.

67 Stat. 516.

SEC. 107. (a) The heading of section 322 of the Tariff Act of 1930 (19 U.S.C. 1322) is amended by inserting immediately before the period at the end thereof the following: "; **UNITED STATES-MEXICO BOUNDARY TREATY OF 1970**".

Custom duties, exemption.

(b) Subsection (b) of such section 322 is amended by striking out "and" at the end of clause (2), by striking out the period at the end of clause (3) and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(4) personal property reasonably related to the use and enjoyment of a separated tract of land as described in article III of the Treaty To Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado Rivers as the International Boundary between the United States of America and the United Mexican States signed on November 23, 1970.".

23 USC 371.

Appropriation.

SEC. 108. There is authorized to be appropriated to the Department of State for the use of the United States section of the International

Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of the treaty and title I of this Act.

TITLE II—PRESIDIO FLOOD CONTROL PROJECT

U.S.-Mexico flood control agreement, authorization.

SEC. 201. The Secretary of State, acting through the Commissioner, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for a coordinated plan by the United States and Mexico for international flood control works for protection of lands along the international section of the Rio Grande in the United States and in Mexico in the Presidio-Ojinaga Valley.

SEC. 202. If an agreement is concluded pursuant to section 201 of title II of this Act, the Commissioner is authorized to construct, operate, and maintain flood control works located in the United States having substantially the characteristics described in "Report on the Flood Control Project Rio Grande, Presidio Valley, Texas", prepared by the United States section, International Boundary and Water Commission, United States and Mexico; and there are hereby authorized to be appropriated to the Department of State for the use of the United States section of the Commission such sums as may be necessary to carry out the provisions of title II of this Act. No part of any appropriation under this section shall be expended for flood control works on any land, site, or easement unless such land, site, or easement has been acquired under the treaty for other purposes or by donation and, in the case of a donation, the title thereto has been approved in accordance with existing rules and regulations of the Attorney General of the United States.

Appropriation.

Approved October 25, 1972.

Public Law 92-550

AN ACT

October 25, 1972
[S. 3240]

To amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges.

Transportation Payment Act of 1972.
54 Stat. 955; 72 Stat. 861.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66), is hereby further amended as follows:

(a) By inserting after the section designation the letter "(a)"; by changing the first sentence to read: "Subject to such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States, payment for transportation of persons or property for or on behalf of the United States by any carrier or forwarder shall be made upon presentation of bills therefor, prior to audit or settlement by the General Accounting Office, but the right is reserved to the United States Government to deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder."; deleting the portion of the second sentence preceding the colon and substituting therefor the following: "The term 'overcharges' shall be deemed to mean charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Com-

"Overcharges."

mission, and any State transportation regulatory agency, and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, as amended, or other equivalent contract, arrangement, or exemption from regulation".

24 Stat. 387; 71 Stat. 564. 49 USC 22.

(b) By adding the following new subsections to the section:

Advance payment.

"(b) Pursuant to regulations prescribed by the head of a Government agency or his designee and in conformity with such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States, bills for passenger or freight transportation services to be furnished the United States by any carrier or forwarder may be paid in advance of completion of the services, without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529): *Provided*, That such carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved, subject to later recovery by deduction or otherwise of any payments made for any services not received as ordered by the United States.

"Head of a Government agency."

"(c) The term 'head of a Government agency' means any individual or group of individuals having final decisionmaking responsibility for any department, commission, board, service, Government corporation, instrumentality, or other establishment or body in the United States Government."

Short title.

SEC. 2. This Act may be cited as the "Transportation Payment Act of 1972".

Approved October 25, 1972.

Public Law 92-551

October 25, 1972
[S. J. Res. 221]

JOINT RESOLUTION

To designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pennsylvania, as the Benjamin Franklin National Memorial.

Whereas the American people feel a deep debt of gratitude to Benjamin Franklin for his outstanding services to this Nation as a statesman and for his achievements as a scientist and inventor;

Whereas the Franklin Institute, of Philadelphia, Pennsylvania, has played a leading role in promoting the development of science and technology in the United States;

Whereas the said Franklin Institute named the Benjamin Franklin Memorial Hall in honor of Benjamin Franklin over thirty years ago;

Whereas the year 1974 is the one hundred and fiftieth anniversary of the founding of the said Franklin Institute;

Whereas the city of Philadelphia, Pennsylvania, is a most appropriate location for a national memorial to Benjamin Franklin since Philadelphia was his home for many years;

Whereas Benjamin Franklin Memorial Hall is a fitting memorial to this great American: Now, therefore, be it

Benjamin Franklin National Memorial. Designation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Benjamin Franklin Memorial Hall located in the Franklin Institute of Philadelphia, Pennsylvania, is hereby designated as Benjamin Franklin National Memorial.

Effective date.

SEC. 2. The designation made by the first section of this resolution shall become effective upon conclusion of a cooperative agreement satisfactory to the governing body of the Franklin Institute and the Secretary of the Interior.

Approved October 25, 1972.

Public Law 92-552

AN ACT

October 25, 1972
[S. 3822]

Authorizing the City of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State Highway Commission of the State of Iowa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce by expediting the completion of interstate bridge facilities across the Mississippi River in the vicinity of the city of Clinton, Iowa, the City of Clinton Bridge Commission (hereafter referred to as the "commission"), created and operating under the Act approved December 21, 1944, as revived, amended, and reenacted, is hereby authorized to sell, convey, and transfer to the State of Iowa all of its real and personal property, books, records, money, and other assets, including all existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, and the substructure constituting the partially constructed new bridge which has been designed to replace the older of the two existing vehicular bridges, together with all easements, approaches, and approach highways appurtenant to said bridge structures, and to enter into such agreements with the State Highway Commission of the State of Iowa (hereafter referred to as the "highway commission"), and the Department of Transportation of the State of Illinois as may be necessary to accomplish the foregoing: *Provided, however*, That at or before the time of delivery of the deeds and other instruments of conveyance, all outstanding indebtedness or other liabilities of said commission must either have been paid in full as to both principal and interest or sufficient funds must have been set aside in a special fund pledged to retire said outstanding indebtedness or other liabilities and interest thereon at or prior to maturity, together with any premium which may be required to be paid in the event of payment of the indebtedness prior to maturity. The cost to the highway commission of acquiring the existing bridge structures by the State of Iowa shall include all engineering, legal, financing, architectural, traffic surveying, and other expenses as may be necessary to accomplish the conveyance and transfer of the properties, together with such amount as may be necessary to provide for the payment of the outstanding indebtedness or other liabilities of the commission as hereinbefore referred to, and permit the dissolution of the commission as hereinafter provided, less the amount of cash on hand which is turned over to the highway commission by the commission.

City of Clinton Bridge Commission.

Bridge conveyance and completion.

58 Stat. 846; 72 Stat. 851; 80 Stat. 272; 82 Stat. 737.

Indebtedness and liabilities, payment.

SEC. 2. The highway commission is hereby authorized to accept the conveyance and transfer of the above-mentioned bridge structures, property and assets of the City of Clinton Bridge Commission on behalf of the State of Iowa, to complete the construction of the new replacement bridge, to repair, reconstruct, maintain, and operate as toll bridges the existing bridges so acquired until the new replacement bridge has been completed, to dismantle the older of the two existing bridges upon completion of the new replacement bridge, and to thereafter repair, reconstruct, maintain, and operate the two remaining bridges as toll bridges. There is hereby conferred upon the highway commission the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, reconstruction, or completion of any such bridges and for the operation and maintenance of

State of Iowa, acceptance.

Property, acquisition.

any bridge and the approaches, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes by said State. The highway commission is further authorized to enter into agreements with the State of Illinois and any agency or subdivision thereof, and with any agency or subdivision of the State of Iowa, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision.

Iowa-Ill., agreements.

Revenue bonds.

The cost of acquiring the existing bridge structures, of completing the replacement bridge and of dismantling the bridge to be replaced and paying expenses incidental thereto as referred to in section 1 of this Act may be provided by the highway commission through the issuance of its revenue bonds pursuant to legislation enacted by the General Assembly of the State of Iowa, or through the use of any other funds available for the purpose, or both. The above described toll bridge structures shall be repaired, reconstructed, maintained, and operated by the highway commission in accordance with the provisions of the General Bridge Act of 1946, approved August 2, 1946, and the location and plans for the replacement bridge shall be approved by the Secretary of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation of the State of Illinois. The rates and schedule of tolls for said bridges shall be charged and collected in accordance with said General Bridge Act of 1946 and applicable Iowa legislation and shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridges and approaches under economical management, to provide a fund sufficient to pay the principal of and interest on such bonds as may be issued by the highway commission as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity, and to repay any money borrowed by any other means in connection with the acquisition, construction, reconstruction, completion, repair, operation, or maintenance of any of said bridge structures. All tolls and other revenues from said bridges are hereby pledged to such uses. No toll shall be charged officials or employees of the highway commission, nor shall toll be charged officials of the Government of the United States while in the discharge of duties to their office or employment, nor shall toll be charged members of the fire department or peace officers when engaged in the performance of their official duties. No obligation created pursuant to any provision of this Act shall constitute an indebtedness of the United States.

60 Stat. 847. 33 USC 525 note.

Tolls.

Iowa-Ill., conveyance.

SEC. 3. After all bonds or other obligations issued or indebtedness incurred by the highway commission or loans of funds for the account of said bridges and interest and premium, if any, have been paid, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the State of Iowa shall deliver deeds or other suitable instruments of conveyance of the interest of the State of Iowa in and to those parts lying within Illinois of said bridges to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same, and thereafter the bridges shall be properly repaired, reconstructed, maintained, and operated, free of tolls by the State of Iowa and by the State of Illinois, or any municipality or agency thereof, as may be agreed upon.

SEC. 4. The interstate bridge or bridges purchased, constructed, or completed under the authority of this Act and the income derived therefrom shall, on and after the effective date of this Act, be exempt from all Federal, State, municipal, and local property and income taxation.

Tax exemption.

SEC. 5. After all of the property, books, records, money, and other assets of the City of Clinton Bridge Commission have been conveyed and transferred to the State of Iowa as contemplated by this Act, such commission shall cease to exist, without the necessity for any hearing, order, or other official action.

Commission, termination.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved October 25, 1972.

Public Law 92-553

AN ACT

October 25, 1972
[H. R. 15735]

To authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the City of New York for educational purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of title V, Merchant Marine Act of 1936 and section 11, Merchant Ship Sales Act of 1946, the Secretary of Commerce is hereby authorized to transfer, without reimbursement, the title and ownership of USNS Twin Falls, T–AGM 11, to the Board of Education of the City of New York for use as an educational facility. The vessel shall be delivered to the board at the place where the vessel is located on the effective date of this Act, in its present condition, without cost to the United States. While the vessel is owned by the Board of Education of the City of New York it shall be used solely for educational purposes, and such vessel shall not be used for operation or transportation purposes of any nature whatsoever. In the event that the United States should have need for the vessel, the Board of Education of the City of New York, on request of the Secretary of Commerce shall make the vessel available to the United States without cost. In the event the Board of Education of the City of New York no longer requires the vessel for the purposes of this Act, such vessel shall be conveyed back to the United States in as good condition as when received, except for ordinary wear and tear, to be delivered by the Board of Education of the City of New York to the point of original delivery without any cost to the United States.

Vessel.
Transfer to New York City Board of Education.
46 USC 1151.
60 Stat. 49; 64 Stat. 308.
50 USC app. 1744.

Use, restriction.

Approved October 25, 1972.

Public Law 92-554

AN ACT

October 25, 1972
[H. R. 16675]

To amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to extend for one year the program of grants for State and local prevention, treatment, and rehabilitation programs for alcohol abuse and alcoholism.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended by striking out "for the fiscal year ending June 30, 1973" and inserting in lieu thereof "for each of the next two fiscal years".

Alcoholism programs.
State assistance, extension.
84 Stat. 1849.
42 USC 4571.

Approved October 25, 1972.

Public Law 92-555

October 25, 1972
[S. 1462]

AN ACT

To provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes.

Indians.
Mississippi Sioux Tribes.
Judgment funds, disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Mdewakanton and Wahpakoota Tribe of Sioux Indians, and the Sisseton and Wahpeton Tribes of Sioux Indians, in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided in this Act.

TITLE I

Membership rolls.

SEC. 101. (a) The Flandreau Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska shall bring current their membership rolls as of the date of this Act. The Lower Sioux Indian Community at Morton, Minnesota, the Prairie Island Indian Community at Welch, Minnesota, and the Shakopee Mdewakanton Sioux Community of Minnesota shall prepare rolls of their members who are lineal descendants of the Mdewakanton and Wahpakoota Tribes, and who were born on or prior to and are living on the date of this Act, using available records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Mdewakanton and Wahpakoota Tribe who were born on or prior to and are living on the date of this Act whose names or the names of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

Funds, apportionment.

SEC. 102. After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded the Indian Claims Commission dockets numbered 360, 361, 362, 363, and one-half of the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of the rolls prepared pursuant to section 101 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Flandreau Santee Sioux Tribe of South Dakota, the Santee Sioux Tribe of Nebraska, the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community shall be placed on deposit in the United States Treasury to the credit of the respective groups. Eighty per centum of such funds on deposit to the credit of the Flandreau Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska shall be distributed per capita to such tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the

Deposit in U.S. Treasury.

Per capita shares.

Secretary of the Interior. One hundred per centum of such funds on deposit to the credit of the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community shall be distributed per capita of such tribal members: *Provided*, That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 2 of this Act. The shares of enrollees who are not members of such groups shall be paid per capita.

TITLE II

Membership rolls.

SEC. 201. (a) The Devils Lake Sioux Tribe of North Dakota, and the Sisseton and Wahpeton Sioux Tribe of South Dakota, shall bring current their membership rolls of the date of this Act. The Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe, who were born on or prior to and are living on the date of this Act, and who are entitled to enrollment on their respective membership rolls in accordance with the applicable rules and regulations of the tribe or group involved, using available records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on the date of this Act whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

Funds, apportionment.

SEC. 202. (a) After deducting the amount authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of reservation residence and other residence shown on the 1909 McLaughlin annuity roll, as follows:

Tribe or group	Percentage
Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana	10.3153
All other Sisseton and Wahpeton Sioux	25.0225

Deposit in U.S. Treasury.

(b) The shares of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribe of the Fort Peck Indian Reservation, Montana, as apportioned in accordance with subsection (a), shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to their tribal members: *Provided*, That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 201(a) of this Act. The remainder of such funds may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*,

Per capita shares.

Programing proposals.

That, in the case of the Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes: *Provided further*, That the Sisseton-Wahpeton Sioux Tribe of South Dakota shall act in concert with its membership residing in the Upper Sioux Community in Minnesota and its membership affiliated with the Urban Sisseton-Wahpeton Council of the Minneapolis-Saint Paul area in jointly submitting programing proposals to the Secretary.

(c) The funds allocated to all other Sisseton and Wahpeton Sioux, as provided in subsection (a), shall be distributed per capita to the persons enrolled on the roll prepared by the Secretary pursuant to section 201(b) of this Act.

TITLE III

Citizenship requirement.

SEC. 301. No person shall be eligible to be enrolled under this Act who is not a citizen of the United States.

SEC. 302. Any person qualifying for enrollment with more than one group shall elect the group with which he shall be enrolled for the purpose of this Act.

Minor enrollees, protection of interests.

SEC. 303. The sums payable to enrollees or their heirs or legatees who are minors 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 interest of such persons after considering the recommendations of the governing bodies of the groups involved.

Income tax exemption.

SEC. 304. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

Rules and regulations.

SEC. 305. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

Approved October 25, 1972.

Public Law 92-556

October 25, 1972
[S. 2741]

AN ACT

To amend the Act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such Act.

Aircraft loan guarantees.
Program expansion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for Government guaranty of private loans to certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport aircraft by such carriers, and for other purposes", approved September 7, 1957 (49 U.S.C. 1324 note), is amended—

76 Stat. 936; 82 Stat. 1003.

(1) in section 4(d) by striking out "$10,000,000" and inserting in lieu thereof "$30,000,000"; and

(2) in section 8 by striking out "fifteen" and inserting in lieu thereof "twenty".

Approved October 25, 1972.

Public Law 92-557

AN ACT

October 25, 1972
[S. 3230]

To provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

Indians.
Assiniboine Tribes, Mont.
Judgment funds, disposition.

SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used as provided in section 3 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, (b) persons who possess equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood and who elect to be enrolled as Sioux, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

Per capita shares, eligibility.

25 USC 1201-1205.

SEC. 3. Upon agreement by the Fort Peck Assiniboine Tribe and the Fort Peck Sioux Tribe on the amount each agrees to contribute from the award to each tribe in Indian Claims Commission docket numbered 279–A, the agreed contribution of the Fort Peck Assiniboine Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 2 of this Act, and shall be credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided*, That upon request of the Fort Peck Assiniboine Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 2 of this Act.

Certain salaries and expenses, payment.

SEC. 4. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used as provided in section 5, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Peck Gros

Per capita shares, eligibility.

Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

Ante, p. 64.

Withheld funds, use.

SEC. 5. The $100,000 withheld from distribution under section 4, and interest thereon, may be used for any purpose authorized by the Assiniboine Treaty Committee of the Fort Belknap Assiniboine Tribe and approved by the Secretary of the Interior, including contributions to Reservation community projects and further per capita distribution.

Per capita shares, reversion to tribe.

SEC. 6. The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

Tax exemption.

Minors, protection of interests.

SEC. 7. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

Rules and regulations.

SEC. 8. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines.

Approved October 25, 1972.

Public Law 92-558

October 25, 1972
[H. R. 11091]

AN ACT

To provide additional funds for certain wildlife restoration projects, and for other purposes.

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

Wildlife restoration fund.
Bows and arrows, tax.

TITLE I—WILDLIFE RESTORATION FUND

84 Stat. 1097.

SEC. 101. (a) The first sentence of section 3 of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669b), is amended to read as follows: "An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of the Internal Revenue Code of 1954 (26 U.S.C. 4161(b), 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the 'fund') and is authorized to be appropriated and made available until expended to carry out the purposes of this Act."

Post, p. 1173.
68A Stat. 490.
83 Stat. 269.

84 Stat. 1098.

(b) That part of section 4(b) of such Act of September 2, 1937 (16 U.S.C. 669c–(b)), which precedes the proviso is amended to read as follows: "One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States:".

Effective date.

(c) The amendments made by subsections (a) and (b) of this section shall take effect July 1, 1974.

SEC. 102. (a) Section 8(b) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669g–(b)), is amended by striking out "outdoor" each place it appears therein. 84 Stat. 1100.

(b) The amendments made by subsection (a) of this section shall take effect on the date of the enactment of this Act. Effective date.

TITLE II—TAX ON SALE OF BOWS AND ARROWS

SEC. 201. (a) Section 4161 of the Internal Revenue Code of 1954 (relating to the imposition of tax on the sale of certain articles) is amended— 79 Stat. 140. 26 USC 4161.

(1) by striking out "There is" and inserting in lieu thereof the following:

"(a) RODS, CREELS, ETC.—There is";

and

(2) by adding at the end thereof the following new subsection:

"(b) BOWS AND ARROWS, ETC.—

"(1) BOWS AND ARROWS.—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

"(A) of any bow which has a draw weight of 10 pounds or more, and

"(B) of any arrow which measures 18 inches overall or more in length,

a tax equivalent to 11 percent of the price for which so sold.

"(2) PARTS AND ACCESSORIES.—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

"(A) of any part or accessory (other than a fishing reel) suitable for inclusion in or attachment to a bow or arrow described in paragraph (1), and

"(B) of any quiver suitable for use with arrows described in paragraph (1),

a tax equivalent to 11 percent of the price for which so sold."

(b) The amendments made by subsection (a) of this section shall apply with respect to articles sold by the manufacturer, producer, or importer thereof on or after July 1, 1974. Effective date.

Approved October 25, 1972.

Public Law 92-559

AN ACT

October 25, 1972
[S. 3310]

To amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clause (3) of section 5457(a) of title 10, United States Code, is amended to read as follows: Naval Reserve officers. Judge Advocate General's Corps. 72 Stat. 1491.

"(3) Supply Corps—7.".

(b) Section 5457(a) of such title is further amended by redesignating clause (6) as clause (7) and adding after clause (5) a new clause (6) as follows:

"(6) Judge Advocate General's Corps—1.".

Approved October 25, 1972.

Public Law 92-560

October 25, 1972
[S. 1928]

AN ACT

To amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers system.

Lower Saint Croix River Act of 1972.

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 "Lower Saint Croix River Act of 1972".

SEC. 2. Section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907; 16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River: *Provided*, (i) That the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior; and (ii) That the lower twenty-five miles shall be designated by the Secretary upon his approval of an application for such designation made by the Governors of the States of Minnesota and Wisconsin."

Development plan.

SEC. 3. The Secretary of the Interior shall, within one year following the date of enactment of this Act, take, with respect to the Lower Saint Croix River segment, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act: *Provided*, That (a) the action required by such section shall be undertaken jointly by the Secretary and the appropriate agencies of the affected States; (b) the development plan required by such section shall be construed to be a comprehensive master plan which shall include, but not be limited to, a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States; and (c) such development plan shall provide for State administration of the lower twenty-five miles of the Lower Saint Croix River segment and for continued administration by the States of Minnesota and Wisconsin of such State parks and fish hatcheries as now lie within the twenty-seven-mile segment to be administered by the Secretary of the Interior.

Land acquisition.

SEC. 4. Notwithstanding any provision of the Wild and Scenic Rivers Act which limits acquisition authority within a river segment to be administered by a Federal agency, the States of Minnesota and Wisconsin may acquire within the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior such lands as may be proposed for their acquisition, development, operation, and maintenance pursuant to the development plan required by section 3 of this Act.

Navigation aids.

SEC. 5. Nothing in this Act shall be deemed to impair or otherwise affect such statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements.

Appropriation.

SEC. 6. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $7,275,000 for the acquisition and development of lands and interests therein within the boundaries of the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior.

(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have initiated such land acquisition and development as may be proposed pursuant to the development plan required by section 3 of this Act, and in no event shall the Secretary of the Interior expend more than $2,550,000 of the funds authorized to be appropriated by this section in the first fiscal year following completion of the development plan required by section 3 of this Act. The balance of funds authorized to be appropriated by this section shall be expended by the Secretary of the Interior at such times as he finds that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of the development plan required by section 3 of this Act.

Limitation.

Approved October 25, 1972.

Public Law 92-561

AN ACT

October 25, 1972
[H. R. 14542]

To amend the Act of September 26, 1966, Public Law 89-606, to extend for four years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, 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 Act of September 26, 1966, Public Law 89-606 (80 Stat. 849), is amended as follows:

Armed Forces. Air Force officers, increase.

(1) Section 1 is amended by striking out "June 30, 1972," and inserting in place thereof "September 30, 1974,".

10 USC 8202 note.

(2) Section 2 is amended to read as follows:

"SEC. 2. For the period specified in section 1 of this Act, the authorized strength prescribed by section 8202 of title 10, United States Code, as amended by section 1 of this Act, may be exceeded by 1,000 for the grade of lieutenant colonel, and 1,500 for the grade of major. However, the authority to exceed the authorized strengths by 1,000 for the grade of lieutenant colonel, and 1,500 for the grade of major authorized by this section may be used only in the event that drastic reductions or increases in the authorized strength of the commissioned officers on active duty in the Air Force occur within a short period of time and that such changes seriously impede promotions to the grades of major and lieutenant colonel as determined by the Secretary of the Air Force, who shall notify the Committees on Armed Services of the Senate and of the House of Representatives not later than 60 days following the utilization of any of the numbers covered in this sentence."

70A Stat. 498.

Notice to congressional committees.

SEC. 2. The Secretary of Defense shall submit to the Congress not later than May 30, 1973, a comprehensive written report regarding limitations on the number of officers who may serve in various commissioned grades in the Army, Navy, Marine Corps, and Air Force. The Secretary shall include in such report such recommendations as he deems appropriate for legislation to establish new permanent limitations on the number of officers who may serve in such commissioned grades.

Report to Congress.

Approved October 25, 1972.

82-061 O - 73 - 77

Public Law 92-562

October 25, 1972
[S. 216]

AN ACT

To permit suits to adjudicate certain real property quiet title actions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1346 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

Real property quiet title actions.
Adjudication.
62 Stat. 933; 80 Stat. 1148.
Jurisdiction.
Infra.

"(f) The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States."

SEC. 2. Section 1402 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any civil action under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States shall be brought in the district court of the district where the property is located or, if located in different districts, in any of such districts."

62 Stat. 970; 80 Stat. 304.
28 USC 2401.

SEC. 3. (a) Chapter 161 of title 28, United States Code, is amended by adding after section 2409 of such title the following new section:

"§ 2409a. Real property quiet title actions

"(a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest, other than a security interest or water rights. This section does not apply to trust or restricted Indian lands, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

68 Stat. 1241; 84 Stat. 449.
80 Stat. 1140.
66 Stat. 560.

"(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and if the final determination shall be adverse to the United States, the United States nevertheless may retain such possession or control of the real property or of any part thereof as it may elect, upon payment to the person determined to be entitled thereto of an amount which upon such election the district court in the same action shall determine to be just compensation for such possession or control.

"(c) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances under which it was acquired, and the right, title, or interest claimed by the United States.

"(d) If the United States disclaims all interest in the real property or interest therein adverse to the plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1346(f) of this title.

Supra.

"(e) A civil action against the United States under this section shall be tried by the court without a jury.

"(f) Any civil action under this section shall be barred unless it is commenced within twelve years of the date upon which it accrued. Such action shall be deemed to have accrued on the date the plaintiff or his predecessor in interest knew or should have known of the claim of the United States. Statute of limitations.

"(g) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession."

(b) The chapter analysis at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relating to section 2409 the following new item:

"2409a. Real property quiet title actions."

Approved October 25, 1972.

Public Law 92-563

AN ACT

October 25, 1972
[H. R. 15475]

To provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis.

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

National Advisory Commission on Multiple Sclerosis Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Advisory Commission on Multiple Sclerosis Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) multiple sclerosis is a disease characterized by degeneration within the brain and spinal cord and by loss of motor and sensory functions;

(2) this disease, known as the "great crippler of young adults", generally makes its first appearance in the very prime of life, between the ages of twenty and forty, already affects great numbers of Americans, and will begin to afflict an even greater number as our young adult population expands;

(3) the cause of multiple sclerosis is unknown and there is neither a preventive nor a cure for the disease; and

(4) the determination of the most effective program for discovering the cause of and cures and treatments for the disease deserves the highest priority.

NATIONAL ADVISORY COMMISSION

SEC. 3. (a)(1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary"), after consultation with the advisory council to the National Institute on Neurological Diseases and Stroke appointed under section 342 of the Public Health Service Act, shall appoint a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis. Such study and investigation shall give particular emphasis to the need for additional financial support by the Federal Government and the means by which the Federal Government can best participate in the effort to find the cause of and cures and treatments for multiple sclerosis. Appointment.

58 Stat. 699; 84 Stat. 1240. 42 USC 258. Study.

Membership.

(2) The Secretary shall appoint to the commission (A) four members of the advisory council referred to in paragraph (1), and (B) five other individuals from the public who are particularly qualified to participate in the work of the commission. The members of the commission shall select a chairman from among the members appointed under clause (B) of the preceding sentence. Members of the commission shall each be entitled to receive 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 commission. While away from their homes or regular places of business in the performance of services for the commission, members of the commission shall be allowed travel expenses, including per diem in lieu 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.

Compensation.

5 USC 5332 note.

Travel expenses.

80 Stat. 499.

Administrative support services.

(3) The Secretary shall provide such administrative support services for the commission as it may request.

(b) Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, shall furnish to the commission, upon the request of its chairman, such information, services, personnel, and facilities as the commission deems necessary to carry out the purposes of this section.

Final report to President and Congress.

(c) The commission shall transmit to the Secretary for transmittal to the President and the Congress a final report (which shall include recommendations for such legislation as the commission determines is necessary) not later than one year after the date of enactment of this Act, and the commission shall cease to exist thirty days after submitting its report.

Termination date.

Approved October 25, 1972.

Public Law 92-564

October 25, 1972
[S. J. Res. 204]

JOINT RESOLUTION

To authorize the preparation of a history of public works in the United States.

Whereas the President of the United States and bicentennial organizations have encouraged associations and other groups to undertake meaningful activities to commemorate the two hundredth anniversary of our independence; and

Whereas the American Public Works Association is a nonprofit, public service organization comprised of top-ranking officials engaged in various phases of the broad field of public works at the local, State, and Federal levels of government and this highly respected nonpartisan organization has a long history of fostering the improvement of public works practices and the enhancement of public support for needed community facilities and services as exemplified by its sponsorship and support of the Graduate Center for Public Works Engineering and Administration of the University of Pittsburgh, the annual observance of National Public Works Week, which is designed to increase the citizen's understanding of public works, inspire excellence and loyal dedicated public service, and encourage and assist talented young persons to prepare for careers in public works, and other important programs; and

Whereas the board of directors, house of delegates, and advisory council of the American Public Works Association at a special ceremonial meeting held at Congress Hall in Philadelphia on Saturday, September 11, 1971, unanimously adopted a bicentennial resolution calling for the association to undertake as its official bicentennial project

the preparation and publication of the "History of Public Works in the United States From 1776 to 1976", so that future generations may benefit from a comprehensive review of public works in perspective—the project to be conducted over the next five years from the association's Washington office, located appropriately at 1776 Massachusetts Avenue Northwest; and

Whereas there is a need for such a publication as the development of public works is of vital importance to the growth and development of the United States and the quality of life of its citizens; and

Whereas the American Public Works Association intends to draw on the resources of other interested and responsible groups in carrying out this important project; and

Whereas it is to be conducted by a competent staff with an editorial review board to assure its accuracy and appropriateness, on a nonprofit basis, resulting in no monetary benefit to the American Public Works Association or to any individual, but undertaken strictly as a public service to develop a meaningful and accurate history which would be available to the young people of our country, educational institutions, and others: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all public works oriented agencies of the Federal Government, the Library of Congress, and the appropriate congressional committees be requested to cooperate in carrying this important project forward.

History of U.S. public works. Preparation.

Approved October 25, 1972.

Public Law 92-565

JOINT RESOLUTION

October 25, 1972
[H. J. Res. 733]

Granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia.

Whereas, by virtue of chapter 357 of the Maryland Laws of 1969, and of chapter 198 of the Acts of Assembly of 1968 of the General Assembly of Virginia, the Maryland Geological Survey and the Marine Resources Commission of Virginia were authorized to establish, mark, and identify the seven-mile portion of the Maryland-Virginia boundary line in Upper Pocomoke Sound in an acceptable engineering manner; and

Whereas, pursuant to said acts the Maryland Geological Survey and the Marine Resources Commission of Virginia did agree upon a mutually acceptable boundary line; and

Whereas, by virtue of chapter 210 of the Maryland Laws of 1970, and of chapter 315 of the Acts of Assembly of 1970 of the General Assembly of Virginia, said agreement has been ratified and confirmed by the legislatures of the States of Maryland and Virginia, respectively, both of said acts having established and described said boundary line as follows:

Beginning at a point which is corner D defined by latitude 37 degrees 56 minutes 23.00 seconds and longitude 75 degrees 45 minutes 43.56 seconds; which is the last point on the Maryland-Virginia Line that was defined by the "Joint Report of Engineers on Relocating and Remarking Maryland-Virginia Boundary Line Across Tangier and Pocomoke Sounds December 1916";

thence running north 73 degrees 34 minutes 31.9 seconds east about 17,125.11 feet to corner H a point defined by latitude 37 degrees 57 minutes 15.82 seconds and longitude 75 degrees 42 minutes 18.48 seconds;

thence running north 85 degrees 39 minutes 33.9 seconds east about 3,785.82 feet to corner J a point defined by latitude 37 degrees 57 minutes 18.65 seconds and longitude 75 degrees 41 minutes 31.35 seconds;

thence running south 74 degrees 16 minutes 00.8 seconds east about 7,278.41 feet to corner K a point defined by latitude 37 degrees 56 minutes 59.13 seconds and longitude 75 degrees 40 minutes 03.89 seconds;

thence running south 61 degrees 57 minutes 55.7 seconds east about 3,664.73 feet to corner L a point defined by latitude 37 degrees 56 minutes 42.10 seconds and longitude 75 degrees 39 minutes 23.51 seconds;

thence running north 76 degrees 15 minutes 24.5 seconds east about 2,363.49 feet to corner M a point defined by latitude 37 degrees 56 minutes 47.65 seconds and longitude 75 degrees 38 minutes 54.85 seconds;

thence running north 00 degrees 49 minutes 51.5 seconds west about 7,178.56 feet to corner N a point defined by latitude 37 degrees 57 minutes 58.61 seconds and longitude 75 degrees 38 minutes 56.15 seconds;

thence northeasterly about 3½ miles following the middle thread of the meandering Pocomoke River to corner P a point defined by latitude 37 degrees 59 minutes 39.37 seconds and longitude 75 degrees 37 minutes 26.52 seconds, which is at or near the point of intersection with the "Scarborough and Calvert Boundary Line of May 28, 1668"; corners N and P are connected by a line running north 35 degrees 08 minutes 33.5 seconds east about 12,465.32 feet;

thence north 83 degrees 45 minutes 59.9 seconds east about 24,156.95 feet to the boundary monument near triangulation station Davis on the "Scarborough and Calvert Boundary Line of May 28, 1668". Geographic positions are based on 1927 datum; and

Whereas, by virtue of chapter 220 of the Maryland Laws of 1970, and of chapter 342 of the Acts of Assembly of 1970 of the General Assembly of Virginia, the States of Maryland and Virginia have also agreed to their mutual boundary eastward from Assateague Island, both of said acts having established said boundary line as follows:

Beginning at a point on the Maryland-Virginia Line located on Assateague Island designated as station "Pope Island Life Saving Station (1907)" defined by latitude 38°01′36.93″ and longitude 75°14′47.105″; thence running North 84°05′43.5″ East (true)—1,100.00 feet to station "Atlantic"; thence due east (true) to the Maryland-Virginia Jurisdictional Limit:

Now, therefore, be it

Md.-Va. boundary agreements. Consent of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of the Congress of the United States be, and hereby is, given to said boundary agreements, and to each and every part thereof, subject to the understanding that within the agreements the "boundary monument near triangulation station Davis" is the boundary monument which is about 210 feet north of triangulation station Nelson, 1932; that "1927 datum" means "North American Datum of 1927"; that "station 'Pope Island Life Saving Station (1907)'" is "triangulation station 'Boundary Monument, Pope Island Life Saving Station (Md. Va.), 1907'"; that "36.93′" is "36.930′"; that "station 'Atlantic'" is an unmonumented point, mutually agreed upon; and that "due east (true)" means "on a line of constant latitude".

SEC. 2. The Secretary of Commerce is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the seaward boundary between the States of Maryland and Virginia, and so much of the interior boundary as is considered necessary for this purpose by the Secretary, and the necessary appropriations for this work are hereby authorized. Boundary markers, appropriation.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Approved October 25, 1972.

Public Law 92-566

JOINT RESOLUTION

Extending the duration of copyright protection in certain cases.

October 25, 1972
[S.J. Res. 247]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, by Public Law 90–416, by Public Law 91–147, by Public Law 91–555, or by Public Law 92–170 (or by all or certain of said laws), would expire prior to December 31, 1974, such term is hereby continued until December 31, 1974. Copyright protection, Extension. 85 Stat. 490. 17 USC 24 notes.

Approved October 25, 1972

Public Law 92-567

AN ACT

To amend the Act of August 16, 1971, which established the National Advisory Committee on Oceans and Atmosphere, to increase the appropriation authorization thereunder.

October 25, 1972
[H. R. 15280]

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 (Public Law 92–125; 85 Stat. 344), is amended to read as follows: "There are hereby authorized to be appropriated to the Secretary of Commerce, for the fiscal year ending June 30, 1973, and for each of the two fiscal years immediately thereafter, such sums, not to exceed $400,000, as may be necessary for expenses incident to the administration of this Act, and for succeeding fiscal years only such sums as may be authorized by law.". National Advisory Committee on Oceans and Atmosphere, Appropriation authorization, increase. 33 USC 857-12.

Approved October 25, 1972.

Public Law 92-568

AN ACT

To change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes

October 26, 1972
[H. R. 9554]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Perry's Victory and International Peace Memorial National Monument, established in accordance with the Act of June 2, 1936 (49 Stat. 1393; 16 U.S.C. 433a), is redesignated the Perry's Victory and International Peace Memorial. Perry's Victory and International Peace Memorial. Redesignation.

Land acquisition.

SEC. 2. Section 3 of the Act of June 2, 1936 (49 Stat. 1393; 16 U.S.C. 433c), is amended by adding at the end thereof the following new sentence: "The Secretary of the Interior is authorized to purchase with appropriated funds not to exceed four acres of land, or interests in land, for addition to the Perry's Victory and International Peace Memorial."

Repeals.

SEC. 3. The following laws and parts of laws are repealed:

(1) Sections 1, 2, 4, 5, 6, and 7 of the Act of March 3, 1919 (ch. 116 (40 Stat. 1322)).

(2) Section 4 of the Act of June 2, 1936 (49 Stat. 1393; 16 U.S.C. 433d).

Appropriation limitation.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $370,000 shall be appropriated for the acquisition of lands and interests in lands and not more than $5,177,000 shall be appropriated for development. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

Approved October 26, 1972.

Public Law 92-569

October 26, 1972
[H. R. 7117]

AN ACT

To amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries; to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

Fishermen's Protective Act of 1967, amendments.
68 Stat. 883.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1972(b)) is amended by striking out "and to secure the release of such vessel and crew." and inserting in lieu thereof the following: ", to secure the release of such vessel and crew, and to immediately ascertain the amount of any fine, fee, or other direct charge which may be reimbursable under section 3(a)."

Vessel owners, reimbursement.
82 Stat. 730.

SEC. 2. Section 3 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1973) is amended by inserting "(a)" immediately before "In", and by adding at the end thereof the following: "Any reimbursement under this section shall be made from the Fishermen's Protective Fund established pursuant to section 9.

Post, p. 1183.

"(b) The Secretary of State shall make a certification under subsection (a) of this section as soon as possible after he is notified pursuant to section 2(b) of the amounts of the fines, fees, and other direct charges which were paid by the owners to secure the release of their vessel and crew. The amount of reimbursement made by the Secretary of the Treasury to the owners of any vessel under subsection (a) of this section shall constitute a lien on the vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be. Any such lien shall terminate on the ninetieth day after the date on which the Secretary of the Treasury reimburses the owners under this section unless before such ninetieth day the United States initiates action to enforce the lien."

SEC. 3. Section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975) is amended to read as follows:

"SEC. 5. (a) The Secretary of State shall—

"(1) immediately notify a foreign country of—

"(A) any reimbursement made by the Secretary of the

Treasury under section 3 as a result of the seizure of a vessel of the United States by such country, *Ante*, p. 1182.

"(B) any payment made pursuant to section 7 in connection with such seizure, and 82 Stat. 729. 22 USC 1977.

"(2) take such action as he deems appropriate to make and collect claims against such foreign country for the amounts so reimbursed and payments so made.

"(b) If a foreign country fails or refuses to make payment in full on any claim made under subsection (a)(2) of this section within one hundred and twenty days after the date on which such country is notified pursuant to subsection (a)(1) of this section, the Secretary of State shall transfer an amount equal to such unpaid claim or unpaid portion thereof from any funds appropriated by Congress and programed for the current fiscal year for assistance to the government of such country under the Foreign Assistance Act of 1961 unless the President certifies to the Congress that it is in the national interest not to do so in the particular instance (and if such funds are insufficient to cover such claim, transfer shall be made from any funds so appropriated and programed for the next and any succeeding fiscal year) to (1) the Fishermen's Protective Fund established pursuant to section 9 if the amount is transferred with respect to an unpaid claim for a reimbursement made under section 3, or (2) the separate account established in the Treasury of the United States pursuant to section 7(c) if the amount is transferred with respect to an unpaid claim for a payment made under section 7(a). Amounts transferred under this section shall not constitute satisfaction of any such claim of the United States against such foreign country." 75 Stat. 424. 22 USC 2151 note. *Ante*, p. 1182. *Infra.*

SEC. 4. Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by inserting immediately before the last sentence thereof the following new sentence: "If a transfer of funds is made to the separate account under section 5(b)(2) with respect to an unpaid claim and such claim is later paid, the amount so paid shall be covered into the Treasury as miscellaneous receipts." 82 Stat. 729.

SEC. 5. The Fishermen's Protective Act of 1967 is further amended by adding at the end thereof the following new section: Fishermen's Protective Fund, establishment.

"SEC. 9. There is created a Fishermen's Protective Fund which shall be used by the Secretary of the Treasury to reimburse owners of vessels for amounts certified to him by the Secretary of State under section 3. The amount of any claim or portion thereof collected by the Secretary of State from any foreign country pursuant to section 5(a) shall be deposited in the fund and shall be available for the purpose of reimbursing vessel owners under section 3; except that if a transfer to the fund was made pursuant to section 5(b)(1) with respect to any such claim, an amount from the fund equal to the amount so collected shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fund (1) the sum of $3,000,000 to provide initial capital, and (2) such additional sums as may be necessary from time to time to supplement the fund in order to meet the requirements of the fund." Appropriation.

SEC. 6. The amendments made by this Act shall apply with respect to seizures of vessels of the United States occurring on or after the date of the enactment of this Act; except that reimbursements under section 3 of the Fishermen's Protective Act of 1967 (as in effect before such date of enactment) may be made from the fund established by the amendment made by section 5 of this Act with respect to any seizure of a vessel occurring before such date of enactment and after December 31, 1970, if no reimbursement was made before such date of enactment. Effective date.

Approved October 26, 1972.

Public Law 92-570

October 26, 1972
[H. R. 16593]

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

Department of Defense Appropriation Act, 1973.

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, 1973, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere); $7,528,000,000.

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; $5,306,749,000, of which not more than $1,000,000 shall be available for payment of transportation bills for shipment of household goods and for transportation costs already incurred and chargeable to the fiscal year 1971 Military Personnel, Navy appropriations: *Provided*, That such payments shall not result in adjustments in the account of that appropriation: *Provided further*, That these funds shall not be available until a report has been submitted as required by Revised Statute 3679 (31 U.S.C. 665).

Report.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); $1,536,436,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; $7,150,575,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while undergoing reserve training or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; $453,734,000.

70A Stat. 11; 81 Stat. 523, 524.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; $228,960,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, as authorized by law; $76,806,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Air Reserve Officers' Training Corps, as authorized by law; $123,542,000.

81 Stat. 524, 525.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; $568,179,000.

81 Stat. 524; 70A Stat. 198, 614; *Ante*, p. 203.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; $167,919,000.

70A Stat. 524.

TITLE II

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof, retainer

pay for personnel of the Inactive Fleet Reserve, and payments under chapter 73 of title 10, United States Code; $4,358,684,000.

10 USC 1431.

TITLE III

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed $3,453,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $6,636,570,000, and in addition, $100,000,000 which shall be derived by transfer from the Army Stock Fund, of which not less than $231,000,000 shall be available only for the maintenance of real property facilities: *Provided*, That the budget estimates for the fiscal year ending June 30, 1974 for the appropriations "Operation and Maintenance, Army", "Operation and Maintenance, Navy", "Operation and Maintenance, Marine Corps", and "Operation and Maintenance, Air Force" shall be submitted on a basis providing for the appropriation of specific sums for the various budget programs and activities, generally in accord with the structure included in H.R. 16593, 92d Congress, as passed by the House of Representatives.

Ante, p. 1184.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, including aircraft and vessels; modification of aircraft, missiles, missile systems, and other ordnance; design of vessels; training and education of members of the Navy; administration; procurement of military personnel; hire of passenger motor vehicles; welfare and recreation; medals, awards, emblems, and other insignia; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; medical and dental care; care of the dead; charter and hire of vessels; relief of vessels in distress; maritime salvage services; military communications facilities on merchant vessels; annuity premiums and retirement benefits for civilian members of teaching services; tuition, allowances, and fees incident to training of military personnel at civilian institutions; repair of facilities; departmental salaries; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement of services, special clothing, supplies, and equipment; installation of equipment in public or private plants;

exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, as authorized by law; and not to exceed $3,182,000 for emergency and extraordinary expenses, as authorized by section 7202 of title 10, United States Code, to be expended on the approval or authority of the Secretary and his determination shall be final and conclusive upon the accounting officers of the Government; $5,145,754,000, and in addition, $50,000,000 which shall be derived by transfer from the Navy Stock Fund, of which not less than $127,000,000 shall be available only for maintenance of real property facilities. 70A Stat. 442.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, necessary for the operation and maintenance of the Marine Corps including equipment and facilities; procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement and manufacture of military supplies, equipment, and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems, and other insignia; operation of station hospitals, dispensaries, and dental clinics; and departmental salaries; $373,729,000, of which not less than $37,500,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the Air Force and the Air Reserve Officers' Training Corps; operation, maintenance, and modification of aircraft and missiles; transportation of things; repair and maintenance of facilities; field printing plants; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; repair of private property and other necessary expenses of combat maneuvers; care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract or otherwise; and not to exceed $2,249,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $6,200,372,000, and in addition, $50,000,000 which shall be derived by transfer from the Defense Stock Fund, of which not less than $216,700,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Civil Defense Preparedness Agency), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations;

travel expenses, including expenses of temporary duty travel of military personnel; transportation of things; industrial mobilization; care of the dead; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field printing plants; information and educational services for the Armed Forces; communication services; as follows: for the Secretary of Defense activities, $43,369,000; for the organization of the Joint Chiefs of Staff, $8,118,000; for the Office of Information of the Armed Forces, $9,703,000; for the Armed Forces Institute, $6,486,000; for intelligence and communication activities, $450,187,000; for the Defense Nuclear Agency, $10,970,000; for the Defense Supply Agency, $683,758,000; for the Defense Contract Audit Agency, $57,853,000; in all: $1,270,444,000. Of the total amount of this appropriation not to exceed $4,316,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payment may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government. Not less than $14,430,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $199,299,000, of which not less than $9,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $136,119,000, of which not less than $8,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $8,094,000, of which not less than $500,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of

the dead; recruiting; procurement of services, supplies, and equipment; and communications; $189,250,000, of which not less than $3,300,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia, as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $443,194,000, of which not less than $2,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; $456,726,000, of which not less than $2,800,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses of construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to exceed $10,000 for incidental expenses of the National Board; $159,000: *Provided*, That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil func-

tions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of National Guard units thereof; $45,000,000.

CONTINGENCIES, DEFENSE

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes; $5,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to Congress.

Report to Congress.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $914,000.

TITLE IV

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; $33,500,000, and in addition, $95,000,000, of which $10,000,000 shall be derived by transfer from "Aircraft Procurement, Army, 1972/1974", and $85,000,000 which shall be derived by transfer from "Procurement of Equipment and Missiles, Army, 1971/1973", to remain available for obligation until June 30, 1975.

70A Stat. 269; 83 Stat. 312; 85 Stat. 408.

40 USC 255.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; $668,200,000, and in addition, $36,500,000 which shall be derived by transfer from "Missile Procurement, Army, 1972/1974", to remain available for obligation until June 30, 1975.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment; training devices; expansion of public and private plants, including the land necessary therefor; without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; $186,800,000, and in addition, $56,000,000, of which $35,000,000 shall be derived by transfer from "Procurement of Equipment and Missiles, Army, 1971/1973", and $21,000,000 which shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1972/1974", to remain available for obligation until June 30, 1975.

70A Stat. 269; 83 Stat. 312; 85 Stat. 408.

40 USC 255.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; $1,262,800,000, and in addition, $56,000,000 of which $31,000,000 shall be derived by transfer from "Procurement of Ammunition, Army, 1972/1974", and $25,000,000 which shall be derived by transfer from the Army Industrial Fund, to remain available for obligation until June 30, 1975.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed four thousand sixty-one passenger motor vehicles (including twenty-one medium sedans at not to exceed $3,000 each) for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; $592,700,000, and in addition, $37,500,000 which shall be derived by transfer from "Other Procurement, Army, 1972/1974", to remain available for obligation until June 30, 1975.

PROCUREMENT OF AIRCRAFT AND MISSILES, NAVY

For construction, procurement, production, modification, and modernization of aircraft, missiles, equipment, including ordnance,

spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; $3,541,340,000, and in addition, $155,000,000, of which $74,000,000 shall be derived by transfer from the Navy Stock Fund, $20,000,000 which shall be derived by transfer from "Procurement of Aircraft and Missiles, Navy, 1972/1974", and $61,000,000 which shall be derived by transfer from "Procurement of Aircraft and Missiles, Navy, 1971/1973", to remain available for obligation until June 30, 1975.

40 USC 255.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public or private plants; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; $2,970,600,000, of which $311,000,000 shall be available only for the Trident program and $1,039,000,000 shall be available only for the SSN–688 class submarine program, to remain available for obligation until June 30, 1977: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion), purchase of not to exceed eight hundred and seventy passenger motor vehicles (including five medium sedans at not to exceed $3,000 each) for replacement only; alteration of vessels and necessary design therefor, expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; $2,310,900,000, of which $23,500,000 shall be available only for the Trident program, and in addition, $90,000,000, of which $40,000,000 shall be derived by transfer from "Other Procurement, Navy, 1972/1974", and $50,000,000 which shall be derived by transfer from "Other Procurement, Navy, 1971/1973", to remain available for obligation until June 30, 1975.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment,

spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public or private plants, and vehicles for the Marine Corps, including purchase of not to exceed two hundred and fourteen passenger motor vehicles, for replacement only; $162,400,000, and in addition, $21,000,000, of which $5,000,000 shall be derived by transfer from "Procurement, Marine Corps, 1972/1974", and $16,000,000 which shall be derived by transfer from "Procurement, Marine Corps, 1971/1973", to remain available for obligation until June 30, 1975.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; $2,239,300,000, and in addition, $443,000,000, of which $135,000,000 shall be derived by transfer from "Aircraft Procurement, Air Force, 1971/1973", $115,000,000 which shall be derived by transfer from the Air Force Stock Fund, $35,000,000 which shall be derived by transfer from the Defense Stock Fund, $118,000,000 which shall be derived by transfer from the Army Stock Fund, and $40,000,000 which shall be derived by transfer from "Aircraft Procurement, Air Force, 1972/1974", to remain available for obligation until June 30, 1975.

70A Stat. 590; 83 Stat. 312; 85 Stat. 408.

40 USC 255.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; $1,670,000,000, and in addition, $35,000,000, of which $4,000,000 shall be derived by transfer from "Missile Procurement, Air Force, 1972/1974", and $31,000,000 which shall be derived by transfer from "Missile Procurement, Air Force, 1971/1973", to remain available for obligation until June 30, 1975.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand four hundred and twenty-seven passenger motor vehicles (including six medium sedans not to exceed $3,000 each) of which one

thousand four hundred and twenty-five shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; $2,099,300,000, and in addition, $23,200,000 which shall be derived by transfer from "Other Procurement, Air Force, 1972/1974", to remain available for obligation until June 30, 1975.

70A Stat. 590; 83 Stat. 312; 85 Stat. 408.

40 USC 255.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Civil Defense Preparedness Agency) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; purchase of one hundred passenger motor vehicles (including two medium sedans at not to exceed $3,000 each) for replacement only; expansion of public and private plants, equipment and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; $62,030,000, and in addition, $7,700,000, of which $2,700,000 shall be derived by transfer from the Defense Stock Fund, $2,300,000 which shall be derived by transfer from "Procurement Defense Agencies, 1971/1973", and $2,700,000 which shall be derived by transfer from "Procurement, Defense Agencies, 1972/1974", to remain available for obligation until June 30, 1975.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $1,829,032,000, and in addition, $60,000,000 to be derived by transfer from the appropriation "Research, Development, Test, and Evaluation, Army, 1972/1973", to remain available for obligation until June 30, 1974.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $2,545,213,000, of which $470,400,000 shall be available only for the Trident program, to remain available for obligation until June 30, 1974.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $3,122,940,000, to remain available for obligation until June 30, 1974.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Civil Defense Preparedness Agency), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $435,313,000, to remain available for obligation until June 30, 1974: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs, to be merged with and to be available for the same time period as the appropriation to which transferred.

Transfer of funds.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith, $27,000,000, to remain available for obligation until June 30, 1974.

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses of carrying out programs of the Department of Defense, as authorized by law, $3,400,000, to remain available for obligation until June 30, 1975: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Department, for payments in the foregoing currencies.

TITLE VII

GENERAL PROVISIONS

SEC. 701. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or propaganda.

SEC. 702. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be author-

Experts or consultants.

80 Stat. 416.

ized by law: *Provided*, That such contracts may be renewed annually.

Employment of noncitizens.

SEC. 703. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Appropriations, availability.

SEC. 704. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; reimbursement of the Federal Bureau of Investigation for expenses in connection with investigation of defense contractor personnel; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

Prisoners of war.

SEC. 705. Any appropriation available to the Army, Navy, or the Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Land acquisition.

SEC. 706. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672 or 2675 of title 10, United States Code.

85 Stat. 411; 72 Stat. 1460; 84 Stat. 1224.

Dependents' schooling.

SEC. 707. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) except as authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), for primary and secondary schooling for minor dependents of military and civilian personnel of the Department of Defense residing on military or naval installations or stationed in foreign countries, as authorized for the Navy by section 7204 of title 10, United States Code, in amount not exceeding $174,450,000, when the Secretary of the Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents: *Provided*, That under such regulations as may be issued by the Secretary of Defense, such schooling in a school operated by the Department of Defense under this section may be provided without tuition for minor dependents of civilian and military personnel of the Department of Defense who died while entitled to compensation or active duty pay: *Provided further*, That where such personnel die subsequent to January 11, 1971, such schooling must be continued or commenced within one year after the date of death; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of Government, and in the conduct of field exercises and maneuvers or, in administering the provisions of 43 United States Code 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national

70A Stat. 442.

Occupied areas.
Rewards.

Deficiency judgments.
Leasing.

56 Stat. 654.
Tools, maintenance.
Access roads.

defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property for twelve months beginning at any time during the fiscal year; (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended.

72 Stat. 908; 75 Stat. 123. Milk program.

68 Stat. 900; 84 Stat. 1361.

75 Stat. 449. 22 USC 2385.

SEC. 708. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed $25 to each prisoner upon each release from confinement in military on contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin American cooperation as authorized for the Navy by law (10 U.S.C. 7208); and (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed $25 in any one case.

Incidental expenses, payment.

70A Stat. 443.

SEC. 709. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by making available or causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small independent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Small business assistance.

SEC. 710. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians, except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursements of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than $2.50 per day: *Provided further*, That for the purposes of this section

Mess operations.

payments for meals at the rates established hereunder may be made in cash or by deduction from the pay of civilian employees: *Provided further*, That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

Fiscal year limitation.

SEC. 711. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Reimbursable appropriations.

SEC. 712. Appropriations of the Department of Defense available for operation and maintenance may be reimbursed during the current fiscal year for all expenses involved in the preparation for disposal and for the disposal of military supplies, equipment, and materiel, and for all expenses of production of lumber or timber products pursuant to section 2665 of title 10, United States Code, from amounts received as proceeds from the sale of any such property: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

70A Stat. 149.

Report to Congress.

Funds, apportionment; exemption.

SEC. 713. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, 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.

31 USC 665.

Airborne alert expenses.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

Military personnel increases, expenses.

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

Report to Congress.

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

Commissary stores.

SEC. 714. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned, with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations

concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Free utilities outside U.S. and in Alaska.

SEC. 715. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more. When any rated member is assigned to duties, the performance of which does not require the maintenance of basic flying skills, all such members, while so assigned, except, after May 31, 1973, those of the rank of colonel or equivalent or above (0–6) in noncombat assignments, are entitled to flight pay prescribed under section 301 of title 37, United States Code, if otherwise entitled to flight pay at the time of such assignment.

Proficiency flying.

76 Stat. 461.

SEC. 716. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

Household goods.

SEC. 717. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Vessels, transfer.

SEC. 718. None of the funds provided in this Act shall be available for training in any legal profession nor for the payment of tuition for training in such profession: *Provided*, That this limitation shall not apply to the off-duty training of military personnel as prescribed by section 722 of this Act.

Legal training restriction.

SEC. 719. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer-camp training of the Reserve Officers' Training Corps.

Obligated funds, 1973, limitation.

SEC. 720. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

Foreign real property, use.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

Report to Congress and Office of Management and Budget.

Research and development funds.
70A Stat. 134.

SEC. 721. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

Education expenses, restriction.

SEC. 722. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses for off-duty training of military personnel, nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

ROTC, loyalty requirements.

SEC. 723. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

Procurement restrictions.

SEC. 724. No part of any appropriation contained in this Act shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated fabric, wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool grown, reprocessed, reused, or produced in the United States or its possessions, or specialty metals cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

Service facilities.

SEC. 725. 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.

Airmail reimbursement.

SEC. 726. During the current fiscal year, appropriations of the Department of Defense shall be available for reimbursement to the United States Postal Service for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

Furnishings and automobiles, purchase.

SEC. 727. Appropriations contained in this Act shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Uniforms.

SEC. 728. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

81 Stat. 206.

Ammunition, transfer.

SEC. 729. During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the Board ammunition from stock or which has been procured for the purpose in such amounts as he may determine.

Travel expenses.

Such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel, including the Reserve components, and members of the Reserve Officers' Training Corps attending regional, national, or international rifle matches.

Congressional liaison activities.

SEC. 730. Funds provided in this Act for congressional liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed $1,150,000: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

Civil reserve air fleet.

SEC. 731. Of the funds made available by this Act for the services of the Military Airlift Command, $100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil air fleet.

Civilian clothing.

SEC. 732. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed $40 in cost for enlisted personnel: (1) discharged for misconduct, unfitness, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Defense contractors' advertising costs, restrictions.

SEC. 733. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

New facilities, restriction.

SEC. 734. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of $50,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

Transfer of funds.

SEC. 735. During the current fiscal year upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $750,000,000 of the appropriations or funds available to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: *Provided further*, That not less than $25,000,000 of the authority granted in this section shall be available only for a program to substitute civilian personnel for military personnel.

Notice to Congress.

Civilian personnel, substitution.

Contract payments in foreign countries.

SEC. 736. None of the funds appropriated in this Act may be used to make payments under contracts for any program, project, or activity 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.

Forces in Vietnam and Laos, support.

SEC. 737. (a) Not to exceed $2,735,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos; and for related costs on such terms and conditions as the Secretary of Defense may determine: *Provided*, That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States under section 310 of title 37, United States Code, serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: *Provided further*, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other

77 Stat. 216; 79 Stat. 547.

free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

Report to Congress.

(b) Within thirty days after the end of each quarter, the Secretary of Defense shall render to Congress a report with respect to the estimated value by purpose, by country, of support furnished from such appropriations.

Working capital funds.

SEC. 738. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget.

76 Stat. 521.

Payments to convicted rioters, prohibition.

SEC. 739. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity 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.

Loans to campus disrupters, prohibition.

SEC. 740. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

Laos or Thailand, introduction of combat troops, prohibition.

SEC. 741. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

SEC. 742. None of the funds in this Act shall be available for the induction or enlistment of any individual into the military services under a mandatory quota based on mental categories.

Heating plant conversion.

SEC. 743. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

Foreign research and development contracts, restriction.

SEC. 744. None of the funds appropriated by this or any other Act shall be available for entering into any contract or agreement with any foreign corporation, organization, person, or other entity for the performance of research and development in connection with any weapon system or other military equipment for the Department of Defense when there is a United States corporation, organization, person, or other entity equally competent to carry out such research and development and willing to do so at a lower cost.

Nonvoluntary experimental subjects.

SEC. 745. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects.

TITLE VIII

ADDITIONAL AUTHORIZATIONS

SEC. 801. In addition to any other funds authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement, there is hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, and other weapons, as authorized by law, in amounts as follows:

Aircraft	
For aircraft:	
For the Navy and Marine Corps	$134,400,000
For the Air Force	397,500,000
Missiles	
For missiles:	
For the Army	4,300,000
For the Navy	65,300,000
For the Air Force	39,800,000
Other Weapons	
For other weapons:	
For the Army	3,600,000

SEC. 802. Subsection (a) (1) of section 401 of Public Law 89–367, as amended by section 601(b) of Public Law 92–436, is hereby amended by deleting "$2,500,000,000" and inserting "$2,735,000,000" in lieu thereof.

Ante, p. 737.

Short title.

This Act may be cited as the "Department of Defense Appropriation Act, 1973".

Approved October 26, 1972.

Public Law 92-571

October 26, 1972
[H. J. Res. 1331]

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1973, and for other purposes.

Continuing appropriations, 1973.

Ante, pp. 404, 563, 746.

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 July 1, 1972 (Public Law 92–334), as amended, is hereby further amended (a) by striking out "October 14, 1972" and inserting in lieu thereof "February 28, 1973" and (b) by adding the following new subsection and sections, after further amending clause (c) of section 102 by striking "or the sine die adjournment of the second session of the Ninety-second Congress:":

Subsection 101 "(e) Such amounts as may be necessary for continuing activities for special benefits for disabled coal miners but at an annual rate for operations not to exceed $1,526,500,000.

84 Stat. 2055.
22 USC 2412.
Ante, p. 29.

"SEC. 108. Notwithstanding any other provision of this joint resolution, and section 10 of Public Law 91–672 and section 655(c) of the Foreign Assistance Act of 1961, as amended, obligations may be incurred hereunder for the activities hereinafter specified and shall, in addition to other funds available for such purposes, not exceed the annual rates specified herein during the period beginning October 15, 1972, and ending February 28, 1973:

"TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

"FUNDS APPROPRIATED TO THE PRESIDENT

"ECONOMIC ASSISTANCE

Worldwide, technical assistance	$155,000,000
Alliance for Progress, technical assistance	77,500,000
International organizations and programs	105,000,000
Programs relating to population growth	100,000,000
American schools and hospitals abroad	25,500,000
American schools and hospitals abroad (special foreign currency program)	None
Indus Basin Development Fund, grants	10,000,000
Indus Basin Development Fund, loans	12,000,000
Contingency fund	25,000,000
International narcotics control	None
Refugee relief assistance (Bangladesh)	100,000,000
Alliance for Progress, development loans	150,000,000
Development loans	250,000,000
Administrative expenses:	
AID	50,000,000
State	4,221,000
Subtotal, economic assistance	1,064,221,000

"MILITARY ASSISTANCE

Military assistance	550,600,000
Regional naval training	2,500,000

"SECURITY SUPPORTING ASSISTANCE

Security supporting assistance	600,000,000

"OVERSEAS PRIVATE INVESTMENT CORPORATION

Overseas Private Investment Corporation, reserves	12,500,000

"INTER-AMERICAN FOUNDATION

Inter-American Foundation (limitation on obligations)	(5,000,000)
Total, title I, new budget (obligational) authority, Foreign Assistance Act Activities	2,229,821,000

"TITLE II—FOREIGN MILITARY CREDIT SALES

Foreign military credit sales	400,000,000
Total, titles I and II, new budget (obligational) authority	2,629,821,000

"TITLE III—FOREIGN ASSISTANCE (OTHER)

"INDEPENDENT AGENCY

"ACTION

Peace Corps, operating expenses	81,000,000

"DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistance to refugees in the United States (Cuban program)	145,000,000

"DEPARTMENT OF STATE

Migration and refugee assistance	8,500,000
Assistance to refugees from the Soviet Union	50,000,000

"FUNDS APPROPRIATED TO THE PRESIDENT
"INTERNATIONAL FINANCIAL INSTITUTIONS

Asian Development Bank (special fund)	None
Inter-American Development Bank:	
Paid-in capital	25,000,000
Callable capital	168,380,000
Fund for special operations	225,000,000
Subtotal, IDB	418,380,000
International Development Association	320,000,000
Total, title III, new budget (obligational) authority, Foreign Assistance (other)	1,022,880,000

"TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

Limitation on program activity	(7,323,675,000)
Limitation on administrative expenses	(8,438,000)
Grand total, new budget (obligational) authority, titles I, II, and III	3,652,701,000

Provided, That no restrictive provision which is included in the Foreign Assistance and Related Programs Appropriation Act, 1973 (H.R. 16705), as passed during the second session, Ninety-second Congress, but which was not included in the applicable appropriation Act for the fiscal year 1972 shall be applicable to any appropriation fund or authority provided for in this section unless such provision shall have been included in identical form in such Act as passed by both the House and the Senate: *Provided further*, That any provision which is included in such Act as passed by one House and was included in the applicable appropriation Act for the fiscal year 1972 shall be applicable to the appropriations, funds, or authorities provided in this section.

Philippines, relief.

"SEC. 109. Notwithstanding the provisions of this joint resolution or any other Act, the President is authorized to provide, on such terms and conditions as he may determine, relief, rehabilitation, and reconstruction assistance in connection with damage caused by floods in the Philippines during 1972. Of the funds provided herein for 'security supporting assistance', $50,000,000 shall be available only to carry out this section."

Effective date.

SEC. 2. This joint resolution shall take effect October 15, 1972.

Approved October 26, 1972.

Public Law 92-572

October 27, 1972
[H. R. 13158]

AN ACT

To name a bridge across a portion of Oakland Harbor, California, the "George P. Miller-Leland W. Sweeney Bridge".

Fruitvale Avenue Bridge. Name change.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge across the Oakland tidal canal, a part of Oakland Harbor, California, between the cities of Oakland and Alameda, California, authorized for modification in section 101 of the River and Harbor Act of 1962 (Public Law 87-874) and known as the Fruitvale Avenue Bridge, shall hereafter be known as the George P. Miller-Leland W. Sweeney Bridge. In any law, regulation, map, document, record or other paper of the United States in which such bridge is referred to shall be held to refer to such bridge as the "George P. Miller-Leland W. Sweeney Bridge".

76 Stat. 1176.

Approved October 27, 1972.

Public Law 92-573

AN ACT

October 27, 1972
[S. 3419]

To protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

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

Consumer Product Safety Act.

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Consumer Product Safety Act".

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FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) an unacceptable number of consumer products which present unreasonable risks of injury are distributed in commerce;

(2) complexities of consumer products and the diverse nature and abilities of consumers using them frequently result in an inability of users to anticipate risks and to safeguard themselves adequately;

(3) the public should be protected against unreasonable risks of injury associated with consumer products;

(4) control by State and local governments of unreasonable risks of injury associated with consumer products is inadequate and may be burdensome to manufacturers;

(5) existing Federal authority to protect consumers from exposure to consumer products presenting unreasonable risks of injury is inadequate; and

(6) regulation of consumer products the distribution or use of which affects interstate or foreign commerce is necessary to carry out this Act.

(b) The purposes of this Act are—

(1) to protect the public against unreasonable risks of injury associated with consumer products;

(2) to assist consumers in evaluating the comparative safety of consumer products;

(3) to develop uniform safety standards for consumer products and to minimize conflicting State and local regulations; and

(4) to promote research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

DEFINITIONS

SEC. 3. (a) For purposes of this Act:

(1) The term "consumer product" means any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise; but such term does not include—

(A) any article which is not customarily produced or distributed for sale to, or use or consumption by, or enjoyment of, a consumer,

(B) tobacco and tobacco products,

(C) motor vehicles or motor vehicle equipment (as defined by sections 102 (3) and (4) of the National Traffic and Motor Vehicle Safety Act of 1966),

80 Stat. 718; 84 Stat. 262. 15 USC 1391.

(D) economic poisons (as defined by the Federal Insecticide, Fungicide, and Rodenticide Act),

Ante, p. 973.

(E) any article which, if sold by the manufacturer, producer, or importer, would be subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221, or any other provision of such Code), or any component of any such article,

68A Stat. 490. 26 USC 4181. 72 Stat. 1282.

(F) aircraft, aircraft engines, propellers, or appliances (as defined in section 101 of the Federal Aviation Act of 1958),

72 Stat. 737. 49 USC 1301.

(G) boats which could be subjected to safety regulation under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.); vessels, and appurtenances to vessels (other than such boats), which could be subjected to safety regulation under title 52 of the Revised Statutes or other marine safety statutes administered by the department in which the Coast Guard is operating; and equipment (including associated equipment, as defined in section 3(8) of the Federal Boat Safety Act of 1971) to the extent that a risk of injury associated with the use of such equipment on boats or vessels could be eliminated or reduced by actions taken under any statute referred to in this subparagraph,

85 Stat. 213. 46 USC 361. 46 USC 1452.

(H) drugs, devices, or cosmetics (as such terms are defined in sections 201 (g), (h), and (i) of the Federal Food, Drug, and Cosmetic Act), or

52 Stat. 1040; 79 Stat. 234. 21 USC 321.

(I) food. The term "food", as used in this subparagraph means all "food", as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act, including poultry and poultry

products (as defined in sections 4 (e) and (f) of the Poultry Products Inspection Act), meat, meat food products (as defined in section 1(j) of the Federal Meat Inspection Act), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act).

82 Stat. 792. 21 USC 453. 81 Stat. 584. 21 USC 601. 84 Stat. 1621. 21 USC 1033.

See sections 30(d) and 31 of this Act, for limitations on Commission's authority to regulate certain consumer products.

(2) The term "consumer product safety rule" means a consumer products safety standard described in section 7(a), or a rule under this Act declaring a consumer product a banned hazardous product.

(3) The term "risk of injury" means a risk of death, personal injury, or serious or frequent illness.

(4) The term "manufacturer" means any person who manufactures or imports a consumer product.

(5) The term "distributor" means a person to whom a consumer product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer of such product.

(6) The term "retailer" means a person to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer.

(7)(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) the product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of the product, (ii) the person with whose brand or trademark the product (or container) is labeled has authorized or caused the product to be so labeled, and (iii) the brand or trademark of a manufacturer of such product does not appear on such label.

(8) The term "manufactured" means to manufacture, produce, or assemble.

(9) The term "Commission" means the Consumer Product Safety Commission, established by section 4.

(10) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, the Canal Zone, American Samoa, or the Trust Territory of the Pacific Islands.

(11) The terms "to distribute in commerce" and "distribution in commerce" mean to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(12) 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).

(13) The terms "import" and "importation" include reimporting a consumer product manufactured or processed, in whole or in part, in the United States.

(14) The term "United States", when used in the geographic sense, means all of the States (as defined in paragraph (10)).

(b) A common carrier, contract carrier, or freight forwarder shall not, for purposes of this Act, be deemed to be a manufacturer, distrib-

utor, or retailer of a consumer product solely by reason of receiving or transporting a consumer product in the ordinary course of its business as such a carrier or forwarder.

CONSUMER PRODUCT SAFETY COMMISSION

Establishment.

SEC. 4. (a) An independent regulatory commission is hereby established, to be known as the Consumer Product Safety Commission, consisting of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as Chairman. The Chairman, when so designated, shall act as Chairman until the expiration of his term of office as Commissioner. Any member of the Commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause.

Chairman.

Terms.

(b)(1) Except as provided in paragraph (2), (A) the Commissioners first appointed under this section shall be appointed for terms ending three, four, five, six, and seven years, respectively, after the date of the enactment of this Act, the term of each to be designated by the President at the time of nomination; and (B) each of their successors shall be appointed for a term of seven years from the date of the expiration of the term for which his predecessor was appointed.

(2) Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of his term until his successor has taken office, except that he may not so continue to serve more than one year after the date on which his term would otherwise expire under this subsection.

Restrictions.

(c) Not more than three of the Commissioners shall be affiliated with the same political party. No individual (1) in the employ of, or holding any official relation to, any person engaged in selling or manufacturing consumer products, or (2) owning stock or bonds of substantial value in a person so engaged, or (3) who is in any other manner pecuniarily interested in such a person, or in a substantial supplier of such a person, shall hold the office of Commissioner. A Commissioner may not engage in any other business, vocation, or employment.

(d) No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission, but three members of the Commission shall constitute a quorum for the transaction of business. The Commission shall have an official seal of which judicial notice shall be taken. The Commission shall annually elect a Vice Chairman to act in the absence or disability of the Chairman or in case of a vacancy in the office of the Chairman.

(e) The Commission shall maintain a principal office and such field offices as it deems necessary and may meet and exercise any of its powers at any other place.

Functions.

(f)(1) 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), (B) the distribution of business among personnel appointed and supervised by the Chairman and among administrative units of the Commission, and (C) the use and expenditure of funds.

(2) In carrying out any of his functions under the provisions of this subsection 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.

(g)(1) The Chairman, subject to the approval of the Commission, shall appoint an Executive Director, a General Counsel, a Director of Engineering Sciences, a Director of Epidemiology, and a Director of Information. 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. Executive Director. 5 USC 5332 note.

(2) The Chairman, subject to subsection (f)(2), may employ such other officers and employees (including attorneys) as are necessary in the execution of the Commission's functions. No full-time officer or employee of the Commission who was at any time during the 12 months preceding the termination of his employment with the Commission compensated at a rate in excess of the annual rate of basic pay in effect for grade GS–14 of the General Schedule, shall accept employment or compensation from any manufacturer subject to this Act, for a period of 12 months after terminating employment with the Commission. Additional employees.

(h)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph: *Ante*, p. 110.

"(59) Chairman, Consumer Product Safety Commission."

(2) Section 5315 of such title is amended by adding at the end thereof the following new paragraph: *Ante*, p. 149.

"(97) Members, Consumer Product Safety Commission (4)."

PRODUCT SAFETY INFORMATION AND RESEARCH

SEC. 5. (a) The Commission shall—

(1) maintain an Injury Information Clearinghouse to collect, investigate, analyze, and disseminate injury data, and information, relating to the causes and prevention of death, injury, and illness associated with consumer products; and

(2) conduct such continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from accidents involving consumer products as it deems necessary.

(b) The Commission may—

(1) conduct research, studies, and investigations on the safety of consumer products and on improving the safety of such products;

(2) test consumer products and develop product safety test methods and testing devices; and

(3) offer training in product safety investigation and test methods, and assist public and private organizations, administratively and technically, in the development of safety standards and test methods.

(c) In carrying out its functions under this section, the Commission may make grants or enter into contracts for the conduct of such functions with any person (including a governmental entity). Grants or contracts.

(d) Whenever the Federal contribution for any information, research, or development activity authorized by this Act is more than minimal, the Commission shall include in any contract, grant, or other arrangement for such activity, provisions effective to insure that the rights to all information, uses, processes, patents, and other developments resulting from that activity will be made available to the public without charge on a nonexclusive basis. Nothing in this subsection shall be construed to deprive any person of any right which he may have had, prior to entering into any arrangement referred to in this subsection, to any patent, patent application, or invention. Public information.

PUBLIC DISCLOSURE OF INFORMATION

SEC. 6. (a)(1) Nothing contained in this Act shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

81 Stat. 54.

Confidential information.

(2) All information reported to or otherwise obtained by the Commission or its representative under this Act which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential and shall not be disclosed, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this Act shall authorize the withholding of information by the Commission or any officer or employee under its control from the duly authorized committees of the Congress.

62 Stat. 791.

Summary to manufacturer or labeler.

(b)(1) Except as provided by paragraph (2) of this subsection, not less than 30 days prior to its public disclosure of any information obtained under this Act, or to be disclosed to the public in connection therewith (unless the Commission finds out that the public health and safety requires a lesser period of notice), the Commission shall, to the extent practicable, notify, and provide a summary of the information to, each manufacturer or private labeler of any consumer product to which such information pertains, if the manner in which such consumer product is to be designated or described in such information will permit the public to ascertain readily the identity of such manufacturer or private labeler, and shall provide such manufacturer or private labeler with a reasonable opportunity to submit comments to the Commission in regard to such information. The Commission shall take reasonable steps to assure, prior to its public disclosure thereof, that information from which the identity of such manufacturer or private labeler may be readily ascertained is accurate, and that such disclosure is fair in the circumstances and reasonably related to effectuating the purposes of this Act. If the Commission finds that, in the administration of this Act, it has made public disclosure of inaccurate or misleading information which reflects adversely upon the safety of any consumer product, or the practices of any manufacturer, private labeler, distributor, or retailer of consumer products, it shall, in a manner similar to that in which such disclosure was made, publish a retraction of such inaccurate or misleading information.

Inaccurate or misleading information, retraction.

Nonapplicability.

(2) Paragraph (1) (except for the last sentence thereof) shall not apply to the public disclosure of (A) information about any consumer product with respect to which product the Commission has filed an action under section 12 (relating to imminently hazardous products), or which the Commission has reasonable cause to believe is in violation of section 19 (relating to prohibited acts), or (B) information in the course of or concerning any administrative or judicial proceeding under this Act.

Risk of injury.

(c) The Commission shall communicate to each manufacturer of a consumer product, insofar as may be practicable, information as to any significant risk of injury associated with such product.

CONSUMER PRODUCT SAFETY STANDARDS

SEC. 7. (a) The Commission may by rule, in accordance with this section and section 9, promulgate consumer product safety standards. A consumer product safety standard shall consist of one or more of any of the following types of requirements:

(1) Requirements as to performance, composition, contents, design, construction, finish, or packaging of a consumer product.

(2) Requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions.

Any requirement of such a standard shall be reasonably necessary to prevent or reduce an unreasonable risk of injury associated with such product. The requirements of such a standard (other than requirements relating to labeling, warnings, or instructions) shall, whenever feasible, be expressed in terms of performance requirements.

Notice, publication in Federal Register.

(b) A proceeding for the development of a consumer product safety standard under this Act shall be commenced by the publication in the Federal Register of a notice which shall—

(1) identify the product and the nature of the risk of injury associated with the product;

(2) state the Commission's determination that a consumer product safety standard is necessary to eliminate or reduce the risk of injury;

(3) include information with respect to any existing standard known to the Commission which may be relevant to the proceeding; and

(4) include an invitation for any person, including any State or Federal agency (other than the Commission), within 30 days after the date of publication of the notice (A) to submit to the Commission an existing standard as the proposed consumer product safety standard or (B) to offer to develop the proposed consumer product safety standard.

Development period.

An invitation under paragraph (4)(B) shall specify a period of time, during which the standard is to be developed, which shall be a period ending 150 days after the publication of the notice, unless the Commission for good cause finds (and includes such finding in the notice) that a different period is appropriate.

Proposed safety rules, publication.

(c) If the Commission determines that (1) there exists a standard which has been issued or adopted by any Federal agency or by any other qualified agency, organization, or institution, and (2) such standard if promulgated under this Act, would eliminate or reduce the unreasonable risk of injury associated with the product, then it may, in lieu of accepting an offer pursuant to subsection (d) of this section, publish such standard as a proposed consumer product safety rule.

Proposed standards, development offers.

(d)(1) Except as provided by subsection (c), the Commission shall accept one, and may accept more than one, offer to develop a proposed consumer product safety standard pursuant to the invitation prescribed by subsection (b)(4)(B), if it determines that the offeror is technically competent, is likely to develop an appropriate standard within the period specified in the invitation under subsection (b), and will comply with regulations of the Commission under paragraph (3) of this subsection. The Commission shall publish in the Federal Register the name and address of each person whose offer it accepts, and a summary of the terms of such offer as accepted.

Publication in Federal Register.

Cost, contribution.

(2) If an offer is accepted under this subsection, the Commission may agree to contribute to the offeror's cost in developing a proposed consumer product safety standard, in any case in which the Commission determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Commission shall set forth the items of cost in which it may participate, and shall exclude any contribution to the acquisition of land or buildings.

Regulations.

(3) The Commission shall prescribe regulations governing the development of proposed consumer product safety standards by persons whose offers are accepted under paragraph (1). Such regulations shall include requirements—

(A) that standards recommended for promulgation be suitable for promulgation under this Act, be supported by test data or such other documents or materials as the Commission may reasonably require to be developed, and (where appropriate) contain suitable test methods for measurement of compliance with such standards;

(B) for notice and opportunity by interested persons (including representatives of consumers and consumer organizations) to participate in the development of such standards;

(C) for the maintenance of records, which shall be available to the public, to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development (including dissenting views and comments and information with respect to the need for such recommended standards), and such other matters as may be relevant to the evaluation of such recommended standards; and

(D) that the Commission and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records relevant to the development of such recommended standards or to the expenditure of any contribution of the Commission for the development of such standards.

Proposed safety rule, publication.

(e)(1) If the Commission has published a notice of proceeding as provided by subsection (b) of this section and has not, within 30 days after the date of publication of such notice, accepted an offer to develop a proposed consumer product safety standard, the Commission may develop a proposed consumer product safety rule and publish such proposed rule.

Restrictions.

(2) If the Commission accepts an offer to develop a proposed consumer product safety standard, the Commission may not, during the development period (specified in paragraph (3)) for such standard—

(A) publish a proposed rule applicable to the same risk of injury associated with such product, or

(B) develop proposals for such standard or contract with third parties for such development, unless the Commission determines that no offeror whose offer was accepted is making satisfactory progress in the development of such standard.

In any case in which the sole offeror whose offer is accepted under subsection (d)(1) of this section is the manufacturer, distributor, or retailer of a consumer product proposed to be regulated by the consumer product safety standard, the Commission may independently proceed to develop proposals for such standard during the development period.

Development period.

(3) For purposes of paragraph (2), the development period for any standard is a period (A) beginning on the date on which the Commission first accepts an offer under subsection (d)(1) for the development of a proposed standard, and (B) ending on the earlier of—

(i) the end of the period specified in the notice of proceeding (except that the period specified in the notice may be extended if good cause is shown and the reasons for such extension are published in the Federal Register), or

Publication in Federal Register.

(ii) the date on which it determines (in accordance with such procedures as it may by rule prescribe) that no offeror whose offer was accepted is able and willing to continue satisfactorily the development of the proposed standard which was the subject of the offer, or

(iii) the date on which an offeror whose offer was accepted submits such a recommended standard to the Commission.

Withdrawal notice or proposed rule, publication in Federal Register.

(f) Not more than 210 days after its publication of a notice of proceeding pursuant to subsection (b) (which time may be extended by the Commission by a notice published in the Federal Register stating good cause therefor), the Commission shall publish in the Federal Register a notice withdrawing such notice of proceeding or publish a proposed rule which either proposes a product safety standard applicable to any consumer product subject to such notice, or proposes to declare any such subject product a banned hazardous consumer product.

BANNED HAZARDOUS PRODUCTS

SEC. 8. Whenever the Commission finds that—

(1) a consumer product is being, or will be, distributed in commerce and such consumer product presents an unreasonable risk of injury; and

(2) no feasible consumer product safety standard under this Act would adequately protect the public from the unreasonable risk of injury associated with such product,

the Commission may propose and, in accordance with section 9, promulgate a rule declaring such product a banned hazardous product.

ADMINISTRATIVE PROCEDURE APPLICABLE TO PROMULGATION OF CONSUMER PRODUCT SAFETY RULES

SEC. 9. (a)(1) Within 60 days after the publication under section 7 (c), (e)(1), or (f) or section 8 of a proposed consumer product safety rule respecting a risk of injury associated with a consumer product, the Commission shall—

(A) promulgate a consumer product safety rule respecting the risk of injury associated with such product if it makes the findings required under subsection (c), or

(B) withdraw by rule the applicable notice of proceeding if it determines that such rule is not (i) reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product, or (ii) in the public interest;

except that the Commission may extend such 60-day period for good cause shown (if it publishes its reasons therefor in the Federal Register).

(2) Consumer product safety rules which have been proposed under section 7 (c), (e)(1), or (f) or section 8 shall be promulgated pursuant to section 553 of title 5, United States Code, except that the Commission shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions. A transcript shall be kept of any oral presentation.

80 Stat. 383.

(b) A consumer product safety rule shall express in the rule itself the risk of injury which the standard is designed to eliminate or reduce. In promulgating such a rule the Commission shall consider relevant available product data including the results of research, development, testing, and investigation activities conducted generally and pursuant to this Act.

Findings.

(c) (1) Prior to promulgating a consumer product safety rule, the Commission shall consider, and shall make appropriate findings for inclusion in such rule with respect to—

(A) the degree and nature of the risk of injury the rule is designed to eliminate or reduce;

(B) the approximate number of consumer products, or types or classes thereof, subject to such rule;

(C) the need of the public for the consumer products subject to such rule, and the probable effect of such rule upon the utility, cost, or availability of such products to meet such need; and

(D) any means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.

Restrictions.

(2) The Commission shall not promulgate a consumer product safety rule unless it finds (and includes such finding in the rule)—

(A) that the rule (including its effective date) is reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with such product;

(B) that the promulgation of the rule is in the public interest; and

(C) in the case of a rule declaring the product a banned hazardous product, that no feasible consumer product safety standard under this Act would adequately protect the public from the unreasonable risk of injury associated with such product.

Standards, effective date.

(d) (1) Each consumer product safety rule shall specify the date such rule is to take effect not exceeding 180 days from the date promulgated, unless the Commission finds, for good cause shown, that a later effective date is in the public interest and publishes its reasons for such finding. The effective date of a consumer product safety standard under this Act shall be set at a date at least 30 days after the date of promulgation unless the Commission for good cause shown determines that an earlier effective date is in the public interest. In no case may the effective date be set at a date which is earlier than the date of promulgation. A consumer product safety standard shall be applicable only to consumer products manufactured after the effective date.

(2) The Commission may by rule prohibit a manufacturer of a consumer product from stockpiling any product to which a consumer product safety rule applies, so as to prevent such manufacturer from circumventing the purpose of such consumer product safety rule. For purposes of this paragraph, the term "stockpiling" means manufacturing or importing a product between the date of promulgation of such consumer product safety rule and its effective date at a rate which is significantly greater (as determined under the rule under this paragraph) than the rate at which such product was produced or imported during a base period (prescribed in the rule under this paragraph) ending before the date of promulgation of the consumer product safety rule.

"Stockpiling."

Amendment or revocation.

(e) The Commission may by rule amend or revoke any consumer product safety rule. Such amendment or revocation shall specify the date on which it is to take effect which shall not exceed 180 days from the date the amendment or revocation is published unless the Commission finds for good cause shown that a later effective date is in the public interest and publishes its reasons for such finding. Where an amendment involves a material change in a consumer product safety rule, sections 7 and 8, and subsections (a) through (d) of this section shall apply. In order to revoke a consumer product safety rule, the Commission shall publish a proposal to revoke such rule in the Federal Register, and allow oral and written presentations in accordance with

Publication in Federal Register.

subsection (a)(2) of this section. It may revoke such rule only if it determines that the rule is not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product. Section 11 shall apply to any amendment of a consumer product safety rule which involves a material change and to any revocation of a consumer product safety rule, in the same manner and to the same extent as such section applies to the Commission's action in promulgating such a rule.

Applicability.

COMMISSION RESPONSIBILITY—PETITION FOR CONSUMER PRODUCT SAFETY RULE

SEC. 10. (a) Any interested person, including a consumer or consumer organization, may petition the Commission to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety rule.

(b) Such petition shall be filed in the principal office of the Commission and shall set forth (1) facts which it is claimed establish that a consumer product safety rule or an amendment or revocation thereof is necessary, and (2) a brief description of the substance of the consumer product safety rule or amendment thereof which it is claimed should be issued by the Commission.

(c) The Commission may hold a public hearing or may conduct such investigation or proceeding as it deems appropriate in order to determine whether or not such petition should be granted.

Hearing or investigation.

(d) Within 120 days after filing of a petition described in subsection (b), the Commission shall either grant or deny the petition. If the Commission grants such petition, it shall promptly commence an appropriate proceeding under section 7 or 8. If the Commission denies such petition it shall publish in the Federal Register its reasons for such denial.

Petition denial, publication in Federal Register.

(e)(1) If the Commission denies a petition made under this section (or if it fails to grant or deny such petition within the 120-day period) the petitioner may commence a civil action in a United States district court to compel the Commission to initiate a proceeding to take the action requested. Any such action shall be filed within 60 days after the Commission's denial of the petition, or (if the Commission fails to grant or deny the petition within 120 days after filing the petition) within 60 days after the expiration of the 120-day period.

U.S. district court, civil action.

(2) If the petitioner can demonstrate to the satisfaction of the court, by a preponderance of evidence in a de novo proceeding before such court, that the consumer product presents an unreasonable risk of injury, and that the failure of the Commission to initiate a rulemaking proceeding under section 7 or 8 unreasonably exposes the petitioner or other consumers to a risk of injury presented by the consumer product, the court shall order the Commission to initiate the action requested by the petitioner.

(3) In any action under this subsection, the district court shall have no authority to compel the Commission to take any action other than the initiation of a rule-making proceeding in accordance with section 7 or 8.

(f) The remedies under this section shall be in addition to, and not in lieu of, other remedies provided by law.

(g) Subsection (e) of this section shall apply only with respect to petitions filed more than 3 years after the date of enactment of this Act.

Applicability.

JUDICIAL REVIEW OF CONSUMER PRODUCT SAFETY RULES

SEC. 11. (a) Not later than 60 days after a consumer product safety rule is promulgated by the Commission, any person adversely affected by such rule, or any consumer or consumer organization, may file a petition with the United States court of appeals for the District of Columbia or for the circuit in which such person, consumer, or organization resides or has his principal place of business for judicial review of such rule. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Commission or other officer designated by it for that purpose and to the Attorney General. The Commission shall transmit to the Attorney General, who shall file in the court, the record of the proceedings on which the Commission based its rule, as provided in section 2112 of title 28 of the United States Code. For purposes of this section, the term "record" means such consumer product safety rule; any notice or proposal published pursuant to section 7, 8, or 9; the transcript required by section 9(a)(2) of any oral presentation; any written submission of interested parties; and any other information which the Commission considers relevant to such rule.

72 Stat. 941; 80 Stat. 1323.

"Record."

(b) If the petitioner applies to the court for leave to adduce additional data, views, or arguments and shows to the satisfaction of the court that such additional data, views, or arguments are material and that there were reasonable grounds for the petitioner's failure to adduce such data, views, or arguments in the proceeding before the Commission, the court may order the Commission to provide additional opportunity for the oral presentation of data, views, or arguments and for written submissions. The Commission may modify its findings, or make new findings by reason of the additional data, views, or arguments so taken and shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original rule, with the return of such additional data, views, or arguments.

(c) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the consumer product safety rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. The consumer product safety rule shall not be affirmed unless the Commission's findings under section 9(c) are supported by substantial evidence on the record taken as a whole.

80 Stat. 392. 5 USC 701.

(d) The judgment of the court affirming or setting aside, in whole or in part, any consumer product safety 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 of the United States Code.

62 Stat. 928.

(e) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

IMMINENT HAZARDS

Petition for seizure.

SEC. 12. (a) The Commission may file in a United States district court an action (1) against an imminently hazardous consumer product for seizure of such product under subsection (b)(2), or (2) against any person who is a manufacturer, distributor, or retailer of such product, or (3) against both. Such an action may be filed notwithstanding the existence of a consumer product safety rule applicable to such product, or the pendency of any administrative or judicial proceedings under any other provision of this Act. As used in this section, and hereinafter in this Act, the term "imminently hazardous consumer product" means a consumer product which presents imminent and

"Imminently hazardous consumer product."

unreasonable risk of death, serious illness, or severe personal injury.

Relief.

(b)(1) The district court in which such action is filed shall have jurisdiction to declare such product an imminently hazardous consumer product, and (in the case of an action under subsection (a)(2)) to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of such risk to purchasers of such product known to the defendant, public notice, the recall, the repair or the replacement of, or refund for, such product.

Product condemnation and seizure.

(2) In the case of an action under subsection (a)(1), the consumer product may be proceeded against by process of libel for the seizure and condemnation of such product in any United States district court within the jurisdiction of which such consumer product is found. Proceedings and cases instituted under the authority of the preceding sentence shall conform as nearly as possible to proceedings in rem in admiralty.

Consumer product safety rule.

(c) Where appropriate, concurrently with the filing of such action or as soon thereafter as may be practicable, the Commission shall initiate a proceeding to promulgate a consumer product safety rule applicable to the consumer product with respect to which such action is filed.

(d)(1) Prior to commencing an action under subsection (a), the Commission may consult the Product Safety Advisory Council (established under section 28) with respect to its determination to commence such action, and request the Council's recommendations as to the type of temporary or permanent relief which may be necessary to protect the public.

(2) The Council shall submit its recommendations to the Commission within one week of such request.

Hearing.

(3) Subject to paragraph (2), the Council may conduct such hearing or offer such opportunity for the presentation of views as it may consider necessary or appropriate.

(e)(1) An action under subsection (a)(2) of this section may be brought in the United States district court for the District of Columbia or in any judicial district in which any of the defendants is found, is an inhabitant or transacts business; and process in such an action may be served on a defendant in any other district in which such defendant resides or may be found. Subpenas requiring attendance of witnesses in such an action may run into any other district. In determining the judicial district in which an action may be brought under this section in instances in which such action may be brought in more than one judicial district, the Commission shall take into account the convenience of the parties.

Proceedings, consolidation for trial.

(2) Whenever proceedings under this section involving substantially similar consumer products are pending in courts in two or more judicial districts, they shall be consolidated for trial by order of any such court upon application reasonably made by any party in interest, upon notice to all other parties in interest.

(f) Notwithstanding any other provision of law, in any action under this section, the Commission may direct attorneys employed by it to appear and represent it.

NEW PRODUCTS

Notice and description.

SEC. 13. (a) The Commission may, by rule, prescribe procedures for the purpose of insuring that the manufacturer of any new consumer product furnish notice and a description of such product to the Commission before its distribution in commerce.

"New consumer product."

(b) For purposes of this section, the term "new consumer product" means a consumer product which incorporates a design, material, or form of energy exchange which (1) has not previously been used substantially in consumer products and (2) as to which there exists a lack of information adequate to determine the safety of such product in use by consumers.

PRODUCT CERTIFICATION AND LABELING

SEC. 14. (a) (1) Every manufacturer of a product which is subject to a consumer product safety standard under this Act and which is distributed in commerce (and the private labeler of such product if it bears a private label) shall issue a certificate which shall certify that such product conforms to all applicable consumer product safety standards, and shall specify any standard which is applicable. Such certificate shall accompany the product or shall otherwise be furnished to any distributor or retailer to whom the product is delivered. Any certificate under this subsection shall be based on a test of each product or upon a reasonable testing program; shall state the name of the manufacturer or private labeler issuing the certificate; and shall include the date and place of manufacture.

Multiple manufacturers or labelers.

(2) In the case of a consumer product for which there is more than one manufacturer or more than one private labeler, the Commission may by rule designate one or more of such manufacturers or one or more of such private labelers (as the case may be) as the persons who shall issue the certificate required by paragraph (1) of this subsection, and may exempt all other manufacturers of such product or all other private labelers of the product (as the case may be) from the requirement under paragraph (1) to issue a certificate with respect to such product.

Testing programs.

(b) The Commission may by rule prescribe reasonable testing programs for consumer products which are are subject to consumer product safety standards under this Act and for which a certificate is required under subsection (a). Any test or testing program on the basis of which a certificate is issued under subsection (a) may, at the option of the person required to certify the product, be conducted by an independent third party qualified to perform such tests or testing programs.

Labels, form and content.

(c) The Commission may by rule require the use and prescribe the form and content of labels which contain the following information (or that portion of it specified in the rule)—

(1) The date and place of manufacture of any consumer product.

(2) A suitable identification of the manufacturer of the consumer product, unless the product bears a private label in which case it shall identify the private labeler and shall also contain a code mark which will permit the seller of such product to identify the manufacturer thereof to the purchaser upon his request.

(3) In the case of a consumer product subject to a consumer product safety rule, a certification that the product meets all applicable consumer product safety standards and a specification of the standards which are applicable.

Marking and coding.

Such labels, where practicable, may be required by the Commission to be permanently marked on or affixed to any such consumer product. The Commission may, in appropriate cases, permit information required under paragraphs (1) and (2) of this subsection to be coded.

NOTIFICATION AND REPAIR, REPLACEMENT, OR REFUND

"Substantial product hazard."

SEC. 15. (a) For purposes of this section, the term "substantial product hazard" means—

(1) a failure to comply with an applicable consumer product safety rule which creates a substantial risk of injury to the public, or

(2) a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public.

Noncompliance.

(b) Every manufacturer of a consumer product distributed in commerce, and every distributor and retailer of such product, who obtains information which reasonably supports the conclusion that such product—

(1) fails to comply with an applicable consumer product safety rule; or

(2) contains a defect which could create a substantial product hazard described in subsection (a)(2),

shall immediately inform the Commission of such failure to comply or of such defect, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

(c) If the Commission determines (after affording interested persons, including consumers and consumer organizations, an opportunity for a hearing in accordance with subsection (f) of this section) that a product distributed in commerce presents a substantial product hazard and that notification is required in order to adequately protect the public from such substantial product hazard, the Commission may order the manufacturer or any distributor or retailer of the product to take any one or more of the following actions:

(1) To give public notice of the defect or failure to comply.

(2) To mail notice to each person who is a manufacturer, distributor, or retailer of such product.

(3) To mail notice to every person to whom the person required to give notice knows such product was delivered or sold.

Any such order shall specify the form and content of any notice required to be given under such order.

(d) If the Commission determines (after affording interested parties, including consumers and consumer organizations, an opportunity for a hearing in accordance with subsection (f)) that a product distributed in commerce presents a substantial product hazard and that action under this subsection is in the public interest, it may order the manufacturer or any distributor or retailer of such product to take whichever of the following actions the person to whom the order is directed elects:

(1) To bring such product into conformity with the requirements of the applicable consumer product safety rule or to repair the defect in such product.

(2) To replace such product with a like or equivalent product which complies with the applicable consumer product safety rule or which does not contain the defect.

(3) To refund the purchase price of such product (less a reasonable allowance for use, if such product has been in the possession of a consumer for one year or more (A) at the time of public notice under subsection (c), or (B) at the time the consumer receives actual notice of the defect or noncompliance, whichever first occurs).

Action plan.

An order under this subsection may also require the person to whom it applies to submit a plan, satisfactory to the Commission, for taking action under whichever of the preceding paragraphs of this subsection under which such person has elected to act. The Commission shall specify in the order the persons to whom refunds must be made if the person to whom the order is directed elects to take the action described in paragraph (3). If an order under this subsection is directed to more than one person, the Commission shall specify which person has the election under this subsection.

Reimbursement.

(e) (1) No charge shall be made to any person (other than a manufacturer, distributor, or retailer) who avails himself of any remedy provided under an order issued under subsection (d), and the person subject to the order shall reimburse each person (other than a manufacturer, distributor, or retailer) who is entitled to such a remedy for any reasonable and foreseeable expenses incurred by such person in availing himself of such remedy.

(2) An order issued under subsection (c) or (d) with respect to a product may require any person who is a manufacturer, distributor, or retailer of the product to reimburse any other person who is a manufacturer, distributor, or retailer of such product for such other person's expenses in connection with carrying out the order, if the Commission determines such reimbursement to be in the public interest.

Hearing.

(f) An order under subsection (c) or (d) may be issued only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, except that, if the Commission determines that any person who wishes to participate in such hearing is a part of a class of participants who share an identity of interest, the Commission may limit such person's participation in such hearing to participation through a single representative designated by such class (or by the Commission if such class fails to designate such a representative).

80 Stat. 384.

INSPECTION AND RECORDKEEPING

SEC. 16. (a) For purposes of implementing this Act, or rules or orders prescribed under this Act, officers or employees duly designated by the Commission, upon presenting appropriate credentials and a written notice from the Commission to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, (A) any factory, warehouse, or establishment in which consumer products are manufactured or held, in connection with distribution in commerce, or (B) any conveyance being used to transport consumer products in connection with distribution in commerce; and

(2) to inspect, at reasonable times and in a reasonable manner such conveyance or those areas of such factory, warehouse, or establishment where such products are manufactured, held, or transported and which may relate to the safety of such products. Each such inspection shall be commenced and completed with reasonable promptness.

(b) Every person who is a manufacturer, private labeler, or distributor of a consumer product shall establish and maintain such records, make such reports, and provide such information as the Commission may, by rule, reasonably require for the purposes of implementing this Act, or to determine compliance with rules or orders prescribed under this Act. Upon request of an officer or employee duly designated by the Commission, every such manufacturer, private labeler, or distributor shall permit the inspection of appropriate books, records, and papers

relevant to determining whether such manufacturer, private labeler, or distributor has acted or is acting in compliance with this Act and rules under this Act.

IMPORTED PRODUCTS

SEC. 17. (a) Any consumer product offered for importation into the customs territory of the United States (as defined in general headnote 2 to the Tariff Schedules of the United States) shall be refused admission into such customs territory if such product— 77A Stat. 11. 19 USC 1202.

(1) fails to comply with an applicable consumer product safety rule;

(2) is not accompanied by a certificate required by section 14, or is not labeled in accordance with regulations under section 14 (c);

(3) is or has been determined to be an imminently hazardous consumer product in a proceeding brought under section 12;

(4) has a product defect which constitutes a substantial product hazard (within the meaning of section 15(a)(2)); or

(5) is a product which was manufactured by a person who the Commission has informed the Secretary of the Treasury is in violation of subsection (g).

(b) The Secretary of the Treasury shall obtain without charge and deliver to the Commission, upon the latter's request, a reasonable number of samples of consumer products being offered for import. Except for those owners or consignees who are or have been afforded an opportunity for a hearing in a proceeding under section 12 with respect to an imminently hazardous product, the owner or consignee of the product shall be afforded an opportunity by the Commission for a hearing in accordance with section 554 of title 5 of the United States Code with respect to the importation of such products into the customs territory of the United States. If it appears from examination of such samples or otherwise that a product must be refused admission under the terms of subsection (a), such product shall be refused admission, unless subsection (c) of this section applies and is complied with. Samples. 80 Stat. 384. Admission refusal.

(c) If it appears to the Commission that any consumer product which may be refused admission pursuant to subsection (a) of this section can be so modified that it need not (under the terms of paragraphs (1) through (4) of subsection (a)) be refused admission, the Commission may defer final determination as to the admission of such product and, in accordance with such regulations as the Commission and the Secretary of the Treasury shall jointly agree to, permit such product to be delivered from customs custody under bond for the purpose of permitting the owner or consignee an opportunity to so modify such product. Modification.

(d) All actions taken by an owner or consignee to modify such product under subsection (c) shall be subject to the supervision of an officer or employee of the Commission and of the Department of the Treasury. If it appears to the Commission that the product cannot be so modified or that the owner or consignee is not proceeding satisfactorily to modify such product, it shall be refused admission into the customs territory of the United States, and the Commission may direct the Secretary to demand redelivery of the product into customs custody, and to seize the product in accordance with section 22(b) if it is not so redelivered. Supervision.

(e) Products refused admission into the customs territory of the United States under this section must be exported, except that upon application, the Secretary of the Treasury may permit the destruction of the product in lieu of exportation. If the owner or consignee does Destruction.

not export the product within a reasonable time, the Department of the Treasury may destroy the product.

Expenses, payment.

(f) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in this section (the amount of such expenses to be determined in accordance with regulations of the Secretary of the Treasury) and all expenses in connection with the storage, cartage, or labor with respect to any consumer product refused admission under this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

(g) The Commission may, by rule, condition the importation of a consumer product on the manufacturer's compliance with the inspection and recordkeeping requirements of this Act and the Commission's rules with respect to such requirements.

EXPORTS

Nonapplicability.

SEC. 18. This Act shall not apply to any consumer product if (1) it can be shown that such product is manufactured, sold, or held for sale for export from the United States (or that such product was imported for export), unless such consumer product is in fact distributed in commerce for use in the United States, and (2) such consumer product when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such consumer product is intended for export; except that this Act shall apply to any consumer product manufactured for sale, offered for sale, or sold for shipment to any installation of the United States located outside of the United States.

PROHIBITED ACTS

SEC. 19. (a) It shall be unlawful for any person to—

(1) manufacture for sale, offer for sale, distribute in commerce, or import into the United States any consumer product which is not in conformity with an applicable consumer product safety standard under this Act;

(2) manufacture for sale, offer for sale, distribute in commerce, or import into the United States any consumer product which has been declared a banned hazardous product by a rule under this Act;

(3) fail or refuse to permit access to or copying of records, or fail or refuse to make reports or provide information, or fail or refuse to permit entry or inspection, as required under this Act or rule thereunder;

(4) fail to furnish information required by section 15(b);

(5) fail to comply with an order issued under section 15 (c) or (d) (relating to notification, and to repair, replacement, and refund);

(6) fail to furnish a certificate required by section 14 or issue a false certificate if such person in the exercise of due care has reason to know that such certificate is false or misleading in any material respect; or to fail to comply with any rule under section 14(c) (relating to labeling); or

(7) fail to comply with any rule under section 9(d)(2) (relating to stockpiling).

Nonapplicability.

(b) Paragraphs (1) and (2) of subsection (a) of this section shall not apply to any person (1) who holds a certificate issued in accordance with section 14(a) to the effect that such consumer product conforms to all applicable consumer product safety rules, unless such person knows that such consumer product does not conform, or (2)

who relies in good faith on the representation of the manufacturer or a distributor of such product that the product is not subject to an applicable product safety rule.

CIVIL PENALTIES

SEC. 20. (a)(1) Any person who knowingly violates section 19 of this Act shall be subject to a civil penalty not to exceed $2,000 for each such violation. Subject to paragraph (2), a violation of section 19(a)(1), (2), (4), (5), (6), or (7) shall constitute a separate offense with respect to each consumer product involved, except that the maximum civil penalty shall not exceed $500,000 for any related series of violations. A violation of section 19(a)(3) shall constitute a separate violation with respect to each failure or refusal to allow or perform an act required thereby; and, if such violation is a continuing one, each day of such violation shall constitute a separate offense, except that the maximum civil penalty shall not exceed $500,000 for any related series of violations.

(2) The second sentence of paragraph (1) of this subsection shall not apply to violations of paragraph (1) or (2) of section 19(a)— Nonapplicability.

(A) if the person who violated such paragraphs is not the manufacturer or private labeler or a distributor of the products involved, and

(B) if such person did not have either (i) actual knowledge that his distribution or sale of the product violated such paragraphs or (ii) notice from the Commission that such distribution or sale would be a violation of such paragraphs.

(b) Any civil penalty under this section may be compromised by the Commission. In determining the amount of such penalty or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty when finally determined, or the amount agreed on compromise, may be deducted from any sums owing by the United States to the person charged. Compromise.

(c) As used in the first sentence of subsection (a)(1) of this section, 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 to ascertain the truth of representations. "Knowingly."

CRIMINAL PENALTIES

SEC. 21. (a) Any person who knowingly and willfully violates section 19 of this Act after having received notice of noncompliance from the Commission shall be fined not more than $50,000 or be imprisoned not more than one year, or both.

(b) 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 section 19, and who has knowledge of notice of noncompliance received by the corporation from the Commission, shall be subject to penalties under this section without regard to any penalties to which that corporation may be subject under subsection (a).

INJUNCTIVE ENFORCEMENT AND SEIZURE

SEC. 22. (a) The United States district courts shall have jurisdiction to restrain any violation of section 19, or to restrain any person from distributing in commerce a product which does not comply with a con-

sumer product safety rule, or both. Such actions may be brought by the Commission (with the concurrence of the Attorney General) or by the Attorney General 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.

(b) Any consumer product which fails to conform to an applicable consumer product safety rule when introduced into or while in commerce or while held for sale after shipment in commerce shall be liable to be proceeded against on libel of information and condemned in any United States district court within the jurisdiction of which such consumer product is found. Proceedings in cases instituted under the authority of this subsection shall conform as nearly as possible to proceedings in rem in admiralty. Whenever such proceedings involving substantially similar consumer products are pending in courts of two or more judicial districts they shall be consolidated for trial by order of any such court upon application reasonably made by any party in interest upon notice to all other parties in interest.

SUITS FOR DAMAGES BY PERSONS INJURED

SEC. 23. (a) Any person who shall sustain injury by reason of any knowing (including willful) violation of a consumer product safety rule, or any other rule or order issued by the Commission may sue any person who knowingly (including willfully) violated any such rule or order in any district court of the United States in the district in which the defendant resides or is found or has an agent, subject to the provisions of section 1331 of title 28, United States Code as to the amount in controversy, and shall recover damages sustained, and the cost of suit, including a reasonable attorney's fee, if considered appropriate in the discretion of the court.

72 Stat. 415.

(b) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by common law or under Federal or State law.

PRIVATE ENFORCEMENT OF PRODUCT SAFETY RULES AND OF SECTION 15 ORDERS

SEC. 24. Any interested person may bring an action in any United States district court for the district in which the defendant is found or transacts business to enforce a consumer product safety rule or an order under section 15, and to obtain appropriate injunctive relief. Not less than thirty days prior to the commencement of such action, such interested person shall give notice by registered mail to the Commission, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. No separate suit shall be brought under this section if at the time the suit is brought the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act. In any action under this section, such interested person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fees, in which case the court shall award the costs of suit, including a reasonable attorney's fee, to the prevailing party.

Notice.

EFFECT ON PRIVATE REMEDIES

SEC. 25. (a) Compliance with consumer product safety rules or other rules or orders under this Act shall not relieve any person from liability at common law or under State statutory law to any other person. Liability.

(b) The failure of the Commission to take any action or commence a proceeding with respect to the safety of a consumer product shall not be admissible in evidence in litigation at common law or under State statutory law relating to such consumer product.

(c) Subject to sections 6(a)(2) and 6(b) but notwithstanding section 6(a)(1), (1) any accident or investigation report made under this Act by an officer or employee of the Commission shall be made available to the public in a manner which will not identify any injured person or any person treating him, without the consent of the person so identified, and (2) all reports on research projects, demonstration projects, and other related activities shall be public information. Public information.

EFFECT ON STATE STANDARDS

SEC. 26. (a) Whenever a consumer product safety standard under this Act is in effect and applies to a risk of injury associated with a consumer product, no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the Federal standard. State compliance to Federal standards.

(b) Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to a consumer product for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal standard.

(c) Upon application of a State or political subdivision thereof, the Commission may by rule, after notice and opportunity for oral presentation of views, exempt from the provisions of subsection (a) (under such conditions as it may impose) a proposed safety standard or regulation described in such application, where the proposed standard or regulation (1) imposes a higher level of performance than the Federal standard, (2) is required by compelling local conditions, and (3) does not unduly burden interstate commerce. Exemptions.

ADDITIONAL FUNCTIONS OF COMMISSION

SEC. 27. (a) The Commission may, by one or more of its members or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States. A Commissioner who participates in such a hearing or other inquiry shall not be disqualified solely by reason of such participation from subsequently participating in a decision of the Commission in the same matter. The Commission shall publish notice of any proposed hearing in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data. Hearing notice, publication in Federal Register.

(b) The Commission shall also have the power—

(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe; and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

(6) to accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(7) to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction, through its own legal representative with the concurrence of the Attorney General or through the Attorney General; and

(8) to delegate any of its functions or powers, other than the power to issue subpenas under paragraph (3), to any officer or employee of the Commission.

Noncompliance with subpena or Commission order, penalty.

(c) Any United States district court within the jurisdiction of which any inquiry is carried on, may, upon petition by the Commission with the concurrence of the Attorney General or by the Attorney General, in case of refusal to obey a subpena or order of the Commission issued under subsection (b) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

Information disclosure.

(d) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

Performance and safety data, notification.

(e) The Commission may by rule require any manufacturer of consumer products to provide to the Commission such performance and technical data related to performance and safety as may be required to carry out the purposes of this Act, and to give such notification of such performance and technical data at the time of original purchase to prospective purchasers and to the first purchaser of such product for purposes other than resale, as it determines necessary to carry out the purposes of this Act.

(f) For purposes of carrying out this Act, the Commission may purchase any consumer product and it may require any manufacturer, distributor, or retailer of a consumer product to sell the product to the Commission at manufacturer's, distributor's, or retailer's cost.

Contract authority.

(g) The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this Act.

Research and development facilities.

(h) The Commission may plan, construct, and operate a facility or facilities suitable for research, development, and testing of consumer products in order to carry out this Act.

Recordkeeping.

(i)(1) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding

procedures shall keep such records as the Commission by rule 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 undertaken 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.

GAO audit.

(2) The Commission and the Comptroller General of the United States, or 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 grants or contracts entered into under this Act under other than competitive bidding procedures.

Report to President and Congress.

(j) The Commission shall prepare and submit to the President and the Congress on or before October 1 of each year a comprehensive report on the administration of this Act for the preceding fiscal year. Such report shall include—

(1) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence of injury and effects to the population resulting from consumer products, with a breakdown, insofar as practicable, among the various sources of such injury;

(2) a list of consumer product safety rules prescribed or in effect during such year;

(3) an evaluation of the degree of observance of consumer product safety rules, including a list of enforcement actions, court decisions, and compromises of alleged violations, by location and company name;

(4) a summary of outstanding problems confronting the administration of this Act in order of priority;

(5) an analysis and evaluation of public and private consumer product safety research activities;

(6) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act;

(7) the extent to which technical information was disseminated to the scientific and commercial communities and consumer information was made available to the public;

(8) the extent of cooperation between Commission officials and representatives of industry and other interested parties in the implementation of this Act, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(9) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission; and

(10) such recommendations for additional legislation as the Commission deems necessary to carry out the purposes of this Act.

Budget estimate, transmittal to Congress.

(k) (1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

Legislative recommendations, transmittal to Congress.

(2) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, or testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

PRODUCT SAFETY ADVISORY COUNCIL

Establishment; membership.

SEC. 28. (a) The Commission shall establish a Product Safety Advisory Council which it may consult before prescribing a consumer product safety rule or taking other action under this Act. The Council shall be appointed by the Commission and shall be composed of fifteen members, each of whom shall be qualified by training and experience in one or more of the fields applicable to the safety of products within the jurisdiction of the Commission. The Council shall be constituted as follows:

(1) five members shall be selected from governmental agencies including Federal, State, and local governments;

(2) five members shall be selected from consumer product industries including at least one representative of small business; and

(3) five members shall be selected from among consumer organizations, community organizations, and recognized consumer leaders.

(b) The Council shall meet at the call of the Commission, but not less often than four times during each calendar year.

(c) The Council may propose consumer product safety rules to the Commission for its consideration and may function through subcommittees of its members. All proceedings of the Council shall be public, and a record of each proceeding shall be available for public inspection.

Compensation; travel pay.

(d) Members of the Council who are not officers or employees of the United States shall, while attending meetings or conferences of the Council or while otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Commission, not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, including traveltime, and while 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. Payments under this subsection shall not render members of the Council officers or employees of the United States for any purpose.

5 USC 5332 note.

80 Stat. 499; 83 Stat. 190.

COOPERATION WITH STATES AND WITH OTHER FEDERAL AGENCIES

SEC. 29. (a) The Commission shall establish a program to promote Federal-State cooperation for the purposes of carrying out this Act. In implementing such program the Commission may—

(1) accept from any State or local authorities engaged in activities relating to health, safety, or consumer protection assistance in such functions as injury data collection, investigation, and educational programs, as well as other assistance in the administration and enforcement of this Act which such States or localities may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance, and

(2) commission any qualified officer or employee of any State or local agency as an officer of the Commission for the purpose of conducting examinations, investigations, and inspections.

Separate State and local consolidation agencies.

(b) In determining whether such proposed State and local programs are appropriate in implementing the purposes of this Act, the Commission shall give favorable consideration to programs which establish separate State and local agencies to consolidate functions relating to product safety and other consumer protection activities.

(c) The Commission may obtain from any Federal department or agency such statistics, data, program reports, and other materials as it may deem necessary to carry out its functions under this Act. Each such department or agency may cooperate with the Commission and, to the extent permitted by law, furnish such materials to it. The Commission and the heads of other departments and agencies engaged in administering programs related to product safety shall, to the maximum extent practicable, cooperate and consult in order to insure fully coordinated efforts. Data, availability.

(d) The Commission shall, to the maximum extent practicable, utilize the resources and facilities of the National Bureau of Standards, on a reimbursable basis, to perform research and analyses related to risks of injury associated with consumer products (including fire and flammability risks), to develop test methods, to conduct studies and investigations, and to provide technical advice and assistance in connection with the functions of the Commission. National Bureau of Standards, use of facilities.

TRANSFERS OF FUNCTIONS

SEC. 30. (a) The functions of the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the Poison Prevention Packaging Act of 1970 are transferred to the Commission. The functions of the Administrator of the Environmental Protection Agency and of the Secretary of Health, Education, and Welfare under the Acts amended by subsections (b) through (f) of section 7 of the Poison Prevention Packaging Act of 1970, to the extent such functions relate to the administration and enforcement of the Poison Prevention Packaging Act of 1970, are transferred to the Commission. 74 Stat. 372. 84 Stat. 1670. 15 USC 1471 note. 7 USC 135; 21 USC 343, 352, 362.

(b) The functions of the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) are transferred to the Commission. The functions of the Federal Trade Commission under the Federal Trade Commission Act, to the extent such functions relate to the administration and enforcement of the Flammable Fabrics Act, are transferred to the Commission. 67 Stat. 111; 81 Stat. 568. 15 USC 58.

(c) The functions of the Secretary of Commerce and the Federal Trade Commission under the Act of August 2, 1956 (15 U.S.C. 1211) are transferred to the Commission. 70 Stat. 953.

(d) A risk of injury which is associated with consumer products and which could be eliminated or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act of 1970, or the Flammable Fabrics Act may be regulated by the Commission only in accordance with the provisions of those Acts. Risk of injury.

(e)(1)(A) All personnel, property, records, obligations, and commitments, which are used primarily with respect to any function transferred under the provisions of subsections (a), (b) and (c) of this section shall be transferred to the Commission, except those associated with fire and flammability research in the National Bureau of Standards. The transfer of personnel pursuant to this paragraph shall be without reduction in classification or compensation for one year after such transfer, except that the Chairman of the Commission shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to the Commission under this section. Personnel, property, etc., transfer.

Public Health Service officer, competitive status.

(B) Any commissioned officer of the Public Health Service who upon the day before the effective date of this section, is serving as such officer primarily in the performance of functions transferred by this Act to the Commission, may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Commission subject to subparagraph (A) of this paragraph, under the terms prescribed in paragraphs (3) through (8)(A) of section 15(b) of the Clean Air Amendments of 1970 (84 Stat. 1676; 42 U.S.C. 215 nt).

(2) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this section by any department or agency, any functions of which are transferred by this section, and (B) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Commission, by any court of competent jurisdiction, or by operation of law.

(3) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department or agency, functions of which are transferred by this section; except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Commission. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Commission, by a court of competent jurisdiction, or by operation of law.

(4) The provisions of this section shall not affect suits commenced prior to the date this section takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted; except that if before the date on which this section takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Commission, then such suit shall be continued by the Commission. No cause of action, and no suit, action, or other proceeding, by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by reason of the enactment of this section. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or the Commission as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

"Function."

(f) For purposes of this section, (1) the term "function" includes power and duty, and (2) the transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any office or officer of such agency or department.

LIMITATION ON JURISDICTION

SEC. 31. The Commission shall have no authority under this Act to regulate any risk of injury associated with a consumer product if such risk could be eliminated or reduced to a sufficient extent by actions taken under the Occupational Safety and Health Act of 1970; the Atomic Energy Act of 1954; or the Clean Air Act. The Commission shall have no authority under this Act to regulate any risk of injury

29 USC 651 note.
42 USC 2011 note, 1857 note.

associated with electronic product radiation emitted from an electronic product (as such terms are defined by sections 355 (1) and (2) of the Public Health Service Act) if such risk of injury may be subjected to regulation under subpart 3 of part F of title III of the Public Health Service Act.

82 Stat. 1174.
42 USC 263c.
42 USC 263b.

AUTHORIZATION OF APPROPRIATIONS

SEC. 32. (a) There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act (other than the provisions of section 27(h) which authorize the planning and construction of research, development, and testing facilities), and for the purpose of carrying out the functions, powers, and duties transferred to the Commission under section 30, not to exceed—

(1) $55,000,000 for the fiscal year ending June 30, 1973;
(2) $59,000,000 for the fiscal year ending June 30, 1974; and
(3) $64,000,000 for the fiscal year ending June 30, 1975.

(b)(1) There are authorized to be appropriated such sums as may be necessary for the planning and construction of research, development and testing facilities described in section 27(h); except that no appropriation shall be made for any such planning or construction involving an expenditure in excess of $100,000 if such planning or construction has not been approved by resolutions adopted in substantially the same form by the Committee on Interstate and Foreign Commerce of the House of Representatives, and by the Committee on Commerce of the Senate. For the purpose of securing consideration of such approval the Commission shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

Limitation.

Prospectus, transmittal to Congress.

(A) a brief description of the facility to be planned or constructed;

(B) the location of the facility, and an estimate of the maximum cost of the facility;

(C) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of such facility; and

(D) a statement of justification of the need for such facility.

(2) The estimated maximum cost of any facility approved under this subsection as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Commission, in construction costs, from the date of the transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

Estimated maximum cost, limitation.

SEPARABILITY

SEC. 33. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

EFFECTIVE DATE

SEC. 34. This Act shall take effect on the sixtieth day following the date of its enactment, except—

(1) sections 4 and 32 shall take effect on the date of enactment of this Act, and

(2) section 30 shall take effect on the later of (A) 150 days after the date of enactment of this Act, or (B) the date on which at least three members of the Commission first take office.

Approved October 27, 1972.

Public Law 92-574

October 27, 1972
[H. R. 11021]

AN ACT

To control the emission of noise detrimental to the human environment, and for other purposes.

Noise Control Act of 1972.

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Noise Control Act of 1972".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds—

(1) that inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population, particularly in urban areas;

(2) that the major sources of noise include transportation vehicles and equipment, machinery, appliances, and other products in commerce; and

(3) that, while primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce control of which require national uniformity of treatment.

(b) The Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare. To that end, it is the purpose of this Act to establish a means for effective coordination of Federal research and activities in noise control, to authorize the establishment of Federal noise emission standards for products distributed in commerce, and to provide information to the public respecting the noise emission and noise reduction characteristics of such products.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "person" means an individual, corporation, partnership, or association, and (except as provided in sections 11(e) and 12(a)) includes any officer, employee, department, agency, or instrumentality of the United States, a State, or any political subdivision of a State.

(3) The term "product" means any manufactured article or goods or component thereof; except that such term does not include—

(A) any aircraft, aircraft engine, propeller, or appliance, as such terms are defined in section 101 of the Federal Aviation Act of 1958; or

72 Stat. 737.
49 USC 1301.

(B)(i) any military weapons or equipment which are designed for combat use; (ii) any rockets or equipment which are designed for research, experimental, or developmental work to be performed by the National Aeronautics and Space Administration; or (iii) to the extent provided by regulations of the Administrator, any other machinery or equipment designed for use in experimental work done by or for the Federal Government.

(4) The term "ultimate purchaser" means the first person who in good faith purchases a product for purposes other than resale.

(5) The term "new product" means (A) a product the equitable or legal title of which has never been transferred to an ultimate purchaser, or (B) a product which is imported or offered for importation into the United States and which is manufactured after the effective date of a regulation under section 6 or section 8 which would have been applicable to such product had it been manufactured in the United States.

(6) The term "manufacturer" means any person engaged in the manufacturing or assembling of new products, or the importing of new products for resale, or who acts for, and is controlled by, any such person in connection with the distribution of such products.

(7) 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).

(8) The term "distribute in commerce" means sell in, offer for sale in, or introduce or deliver for introduction into, commerce.

(9) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(10) The term "Federal agency" means an executive agency (as defined in section 105 of title 5, United States Code) and includes the United States Postal Service. 80 Stat. 379.

(11) The term "environmental noise" means the intensity, duration, and the character of sounds from all sources.

FEDERAL PROGRAMS

SEC. 4. (a) The Congress authorizes and directs that Federal agencies shall, to the fullest extent consistent with their authority under Federal laws administered by them, carry out the programs within their control in such a manner as to further the policy declared in section 2(b).

(b) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government—

(1) having jurisdiction over any property or facility, or

(2) engaged in any activity resulting, or which may result, in the emission of noise,

shall comply with Federal, State, interstate, and local requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements. The President may exempt any single activity or facility, including noise emission sources or classes thereof, of any department, agency, or instrumentality in the executive branch from compliance with any such requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption, other than for those products referred to in section 3(3)(B) of this Act, may be granted from the requirements of sections 6, 17, and 18 of this Act. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements

Compliance exemption, Presidential authority.

Report to Congress.

of this section granted during the preceding calendar year, together with his reason for granting such exemption.

(c)(1) The Administrator shall coordinate the programs of all Federal agencies relating to noise research and noise control. Each Federal agency shall, upon request, furnish to the Administrator such information as he may reasonably require to determine the nature, scope, and results of the noise-research and noise-control programs of the agency.

Standards or regulations.

(2) Each Federal agency shall consult with the Administrator in prescribing standards or regulations respecting noise. If at any time the Administrator has reason to believe that a standard or regulation, or any proposed standard or regulation, of any Federal agency respecting noise does not protect the public health and welfare to the extent he believes to be required and feasible, he may request such agency to review and report to him on the advisability of revising such standard or regulation to provide such protection. Any such request may be published in the Federal Register and shall be accompanied by a detailed statement of the information on which it is based. Such agency shall complete the requested review and report to the Administrator within such time as the Administrator specifies in the request, but such time specified may not be less than ninety days from the date the request was made. The report shall be published in the Federal Register and shall be accompanied by a detailed statement of the findings and conclusions of the agency respecting the revision of its standard or regulation. With respect to the Federal Aviation Administration, section 611 of the Federal Aviation Act of 1958 (as amended by section 7 of this Act) shall apply in lieu of this paragraph.

Revision report request, publication in Federal Register.

Report, publication in Federal Register.

Status report.

(3) On the basis of regular consultation with appropriate Federal agencies, the Administrator shall compile and publish, from time to time, a report on the status and progress of Federal activities relating to noise research and noise control. This report shall describe the noise-control programs of each Federal agency and assess the contributions of those programs to the Federal Government's overall efforts to control noise.

IDENTIFICATION OF MAJOR NOISE SOURCES; NOISE CRITERIA AND CONTROL TECHNOLOGY

SEC. 5. (a)(1) The Administrator shall, after consultation with appropriate Federal agencies and within nine months of the date of the enactment of this Act, develop and publish criteria with respect to noise. Such criteria shall reflect the scientific knowledge most useful in indicating the kind and extent of all identifiable effects on the public health or welfare which may be expected from differing quantities and qualities of noise.

(2) The Administrator shall, after consultation with appropriate Federal agencies and within twelve months of the date of the enactment of this Act, publish information on the levels of environmental noise the attainment and maintenance of which in defined areas under various conditions are requisite to protect the public health and welfare with an adequate margin of safety.

Reports.

(b) The Administrator shall, after consultation with appropriate Federal agencies, compile and publish a report or series of reports (1) identifying products (or classes of products) which in his judgment are major sources of noise, and (2) giving information on techniques for control of noise from such products, including available data on the technology, costs, and alternative methods of noise control. The first such report shall be published not later than eighteen months after the date of enactment of this Act.

(c) The Administrator shall from time to time review and, as appropriate, revise or supplement any criteria or reports published under this section. Review.

(d) Any report (or revision thereof) under subsection (b)(1) identifying major noise sources shall be published in the Federal Register. The publication or revision under this section of any criteria or information on control techniques shall be announced in the Federal Register, and copies shall be made available to the general public. Reports, publication in Federal Register.

NOISE EMISSION STANDARDS FOR PRODUCTS DISTRIBUTED IN COMMERCE

SEC. 6. (a)(1) The Administrator shall publish proposed regulations, meeting the requirements of subsection (c), for each product—

(A) which is identified (or is part of a class identified) in any report published under section 5(b)(1) as a major source of noise,

(B) for which, in his judgment, noise emission standards are feasible, and

(C) which falls in one of the following categories:

(i) Construction equipment.

(ii) Transportation equipment (including recreational vehicles and related equipment).

(iii) Any motor or engine (including any equipment of which an engine or motor is an integral part).

(iv) Electrical or electronic equipment.

(2)(A) Initial proposed regulations under paragraph (1) shall be published not later than eighteen months after the date of enactment of this Act, and shall apply to any product described in paragraph (1) which is identified (or is a part of a class identified) as a major source of noise in any report published under section 5(b)(1) on or before the date of publication of such initial proposed regulations. Proposed regulations, effective date.

(B) In the case of any product described in paragraph (1) which is identified (or is part of a class identified) as a major source of noise in a report published under section 5(b)(1) after publication of the initial proposed regulations under subparagraph (A) of this paragraph, regulations under paragraph (1) for such product shall be proposed and published by the Administrator not later than eighteen months after such report is published.

(3) After proposed regulations respecting a product have been published under paragraph (2), the Administrator shall, unless in his judgment noise emission standards are not feasible for such product, prescribe regulations, meeting the requirements of subsection (c), for such product—

(A) not earlier than six months after publication of such proposed regulations, and

(B) not later than—

(i) twenty-four months after the date of enactment of this Act, in the case of a product subject to proposed regulations published under paragraph (2)(A), or

(ii) in the case of any other product, twenty-four months after the publication of the report under section 5(b)(1) identifying it (or a class of products of which it is a part) as a major source of noise.

(b) The Administrator may publish proposed regulations, meeting the requirements of subsection (c), for any product for which he is not required by subsection (a) to prescribe regulations but for which, in his judgment, noise emission standards are feasible and are requisite to protect the public health and welfare. Not earlier than six months after the date of publication of such proposed regulations respecting such product, he may prescribe regulations, meeting the requirements of subsection (c), for such product.

(c)(1) Any regulation prescribed under subsection (a) or (b) of this section (and any revision thereof) respecting a product shall include a noise emission standard which shall set limits on noise emissions from such product and shall be a standard which in the Administrator's judgment, based on criteria published under section 5, is requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of such product (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of the best available technology, and the cost of compliance. In establishing such a standard for any product, the Administrator shall give appropriate consideration to standards under other laws designed to safeguard the health and welfare of persons, including any standards under the National Traffic and Motor Vehicle Safety Act of 1966, the Clean Air Act, and the Federal Water Pollution Control Act. Any such noise emission standards shall be a performance standard. In addition, any regulation under subsection (a) or (b) (and any revision thereof) may contain testing procedures necessary to assure compliance with the emission standard in such regulation, and may contain provisions respecting instructions of the manufacturer for the maintenance, use, or repair of the product.

80 Stat. 718.
15 USC 1381 note.
81 Stat. 485.
42 USC 1857 note.
Ante, p. 816.

(2) After publication of any proposed regulations under this section, the Administrator shall allow interested persons an opportunity to participate in rulemaking in accordance with the first sentence of section 553(c) of title 5, United States Code.

80 Stat. 383.

(3) The Administrator may revise any regulation prescribed by him under this section by (A) publication of proposed revised regulations, and (B) the promulgation, not earlier than six months after the date of such publication, of regulations making the revision; except that a revision which makes only technical or clerical corrections in a regulation under this section may be promulgated earlier than six months after such date if the Administrator finds that such earlier promulgation is in the public interest.

(d)(1) On and after the effective date of any regulation prescribed under subsection (a) or (b) of this section, the manufacturer of each new product to which such regulation applies shall warrant to the ultimate purchaser and each subsequent purchaser that such product is designed, built, and equipped so as to conform at the time of sale with such regulation.

Cost obligations, transfer prohibition.

(2) Any cost obligation of any dealer incurred as a result of any requirement imposed by paragraph (1) of this subsection shall be borne by the manufacturer. The transfer of any such cost obligation from a manufacturer to any dealer through franchise or other agreement is prohibited.

(3) If a manufacturer includes in any advertisement a statement respecting the cost or value of noise emission control devices or systems, such manufacturer shall set forth in such statement the cost or value attributed to such devices or systems by the Secretary of Labor (through the Bureau of Labor Statistics). The Secretary of Labor, and his representatives, shall have the same access for this purpose to the books, documents, papers, and records of a manufacturer as the Comptroller General has to those of a recipient of assistance for purposes of section 311 of the Clean Air Act.

81 Stat. 505; 84 Stat. 1705.
42 USC 1857j.

(e)(1) No State or political subdivision thereof may adopt or enforce—

Prohibitions.

(A) with respect to any new product for which a regulation has been prescribed by the Administrator under this section, any law or regulation which sets a limit on noise emissions from such

new product and which is not identical to such regulation of the Administrator; or

(B) with respect to any component incorporated into such new product by the manufacturer of such product, any law or regulation setting a limit on noise emissions from such component when so incorporated.

(2) Subject to sections 17 and 18, nothing in this section precludes or denies the right of any State or political subdivision thereof to establish and enforce controls on environmental noise (or one or more sources thereof) through the licensing, regulation, or restriction of the use, operation, or movement of any product or combination of products.

AIRCRAFT NOISE STANDARDS

SEC. 7. (a) The Administrator, after consultation with appropriate Federal, State, and local agencies and interested persons, shall conduct a study of the (1) adequacy of Federal Aviation Administration flight and operational noise controls; (2) adequacy of noise emission standards on new and existing aircraft, together with recommendations on the retrofitting and phaseout of existing aircraft; (3) implications of identifying and achieving levels of cumulative noise exposure around airports; and (4) additional measures available to airport operators and local governments to control aircraft noise. He shall report on such study to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committees on Commerce and Public Works of the Senate within nine months after the date of the enactment of this Act.

(b) Section 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1431) is amended to read as follows: 82 Stat. 395.

"CONTROL AND ABATEMENT OF AIRCRAFT NOISE AND SONIC BOOM

"SEC. 611. (a) For purposes of this section:

"(1) The term 'FAA' means Administrator of the Federal Aviation Administration. "FAA."

"(2) The term 'EPA' means the Administrator of the Environmental Protection Agency. "EPA."

"(b)(1) In order to afford present and future relief and protection to the public health and welfare from aircraft noise and sonic boom, the FAA, after consultation with the Secretary of Transportation and with EPA, shall prescribe and amend standards for the measurement of aircraft noise and sonic boom and shall prescribe and amend such regulations as the FAA may find necessary to provide for the control and abatement of aircraft noise and sonic boom, including the application of such standards and regulations in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by this title. No exemption with respect to any standard or regulation under this section may be granted under any provision of this Act unless the FAA shall have consulted with EPA before such exemption is granted, except that if the FAA determines that safety in air commerce or air transportation requires that such an exemption be granted before EPA can be consulted, the FAA shall consult with EPA as soon as practicable after the exemption is granted. Standards and regulations.

"(2) The FAA shall not issue an original type certificate under section 603(a) of this Act for any aircraft for which substantial noise abatement can be achieved by prescribing standards and regulations in accordance with this section, unless he shall have prescribed standards and regulations in accordance with this section which apply to such aircraft and which protect the public from aircraft noise and sonic boom, consistent with the considerations listed in subsection (d). 72 Stat. 776. 49 USC 1423.

Proposed regulations, submittal to FAA.

"(c)(1) Not earlier than the date of submission of the report required by section 7(a) of the Noise Control Act of 1972, EPA shall submit to the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations) as EPA determines is necessary to protect the public health and welfare. The FAA shall consider such proposed regulations submitted by EPA under this paragraph and shall, within thirty days of the date of its submission to the FAA, publish the proposed regulations in a notice of proposed rulemaking. Within sixty days after such publication, the FAA shall commence a hearing at which interested persons shall be afforded an opportunity for oral (as well as written) presentations of data, views, and arguments. Within a reasonable time after the conclusion of such hearing and after consultation with EPA, the FAA shall—

Publication.

Hearing.

"(A) in accordance with subsection (b), prescribe regulations (i) substantially as they were submitted by EPA, or (ii) which are a modification of the proposed regulations submitted by EPA, or

Notice, publication in Federal Register.

"(B) publish in the Federal Register a notice that it is not prescribing any regulation in response to EPA's submission of proposed regulations, together with a detailed explanation providing reasons for the decision not to prescribe such regulations.

"(2) If EPA has reason to believe that the FAA's action with respect to a regulation proposed by EPA under paragraph (1)(A)(ii) or (1)(B) of this subsection does not protect the public health and welfare from aircraft noise or sonic boom, consistent with the considerations listed in subsection (d) of this section, EPA shall consult with the FAA and may request the FAA to review, and report to EPA on, the advisability of prescribing the regulation originally proposed by EPA. Any such request shall be published in the Federal Register and shall include a detailed statement of the information on which it is based. The FAA shall complete the review requested and shall report to EPA within such time as EPA specifies in the request, but such time specified may not be less than ninety days from the date the request was made. The FAA's report shall be accompanied by a detailed statement of the FAA's findings and the reasons for the FAA's conclusions; shall identify any statement filed pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 with respect to such action of the FAA under paragraph (1) of this subsection; and shall specify whether (and where) such statements are available for public inspection. The FAA's report shall be published in the Federal Register, except in a case in which EPA's request proposed specific action to be taken by the FAA, and the FAA's report indicates such action will be taken.

Report request, publication in Federal Register.

83 Stat. 853.
42 USC 4332.

Report, publication in Federal Register.

"(3) If, in the case of a matter described in paragraph (2) of this subsection with respect to which no statement is required to be filed under such section 102(2)(C), the report of the FAA indicates that the proposed regulation originally submitted by EPA should not be made, then EPA may request the FAA to file a supplemental report, which shall be published in the Federal Register within such a period as EPA may specify (but such time specified shall not be less than ninety days from the date the request was made), and which shall contain a comparison of (A) the environmental effects (including those which cannot be avoided) of the action actually taken by the FAA in response to EPA's proposed regulations, and (B) EPA's proposed regulations.

Supplemental report, publication in Federal Register.

"(d) In prescribing and amending standards and regulations under this section, the FAA shall—

"(1) consider relevant available data relating to aircraft noise and sonic boom, including the results of research, development, testing, and evaluation activities conducted pursuant to this Act and the Department of Transportation Act;

80 Stat. 931.
49 USC 1651 note.

"(2) consult with such Federal, State, and interstate agencies as he deems appropriate;

"(3) consider whether any proposed standard or regulation is consistent with the highest degree of safety in air commerce or air transportation in the public interest;

"(4) consider whether any proposed standard or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance, or certificate to which it will apply; and

"(5) consider the extent to which such standard or regulation will contribute to carrying out the purposes of this section.

"(e) In any action to amend, modify, suspend, or revoke a certificate in which violation of aircraft noise or sonic boom standards or regulations is at issue, the certificate holder shall have the same notice and appeal rights as are contained in section 609, and in any appeal to the National Transportation Safety Board, the Board may amend, modify, or reverse the order of the FAA if it finds that control or abatement of aircraft noise or sonic boom and the public health and welfare do not require the affirmation of such order, or that such order is not consistent with safety in air commerce or air transportation."

Notice and appeal.

72 Stat. 779; 85 Stat. 481. 49 USC 1429.

(c) All—

(1) standards, rules, and regulations prescribed under section 611 of the Federal Aviation Act of 1958, and

Ante, p. 1239.

(2) exemptions, granted under any provision of the Federal Aviation Act of 1958, with respect to such standards, rules, and regulations,

72 Stat. 731. 49 USC 1301 note.

which are in effect on the date of the enactment of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator of the Federal Aviation Administration in the exercise of any authority vested in him, by a court of competent jurisdiction, or by operation of law.

LABELING

SEC. 8. (a) The Administrator shall by regulation designate any product (or class thereof)—

Regulations.

(1) which emits noise capable of adversely affecting the public health or welfare; or

(2) which is sold wholly or in part on the basis of its effectiveness in reducing noise.

(b) For each product (or class thereof) designated under subsection (a) the Administrator shall by regulation require that notice be given to the prospective user of the level of the noise the product emits, or of its effectiveness in reducing noise, as the case may be. Such regulations shall specify (1) whether such notice shall be affixed to the product or to the outside of its container, or to both, at the time of its sale to the ultimate purchaser or whether such notice shall be given to the prospective user in some other manner, (2) the form of the notice, and (3) the methods and units of measurement to be used. Sections 6(c)(2) shall apply to the prescribing of any regulation under this section.

(c) This section does not prevent any State or political subdivision thereof from regulating product labeling or information respecting products in any way not in conflict with regulations prescribed by the Administrator under this section.

IMPORTS

Regulations.

SEC. 9. The Secretary of the Treasury shall, in consultation with the Administrator, issue regulations to carry out the provisions of this Act with respect to new products imported or offered for importation.

PROHIBITED ACTS

SEC. 10. (a) Except as otherwise provided in subsection (b), the following acts or the causing thereof are prohibited:

(1) In the case of a manufacturer, to distribute in commerce any new product manufactured after the effective date of a regulation prescribed under section 6 which is applicable to such product, except in conformity with such regulation.

(2)(A) The removal or rendering inoperative by any person, other than for purposes of maintenance, repair, or replacement, of any device or element of design incorporated into any product in compliance with regulations under section 6, prior to its sale or delivery to the ultimate purchaser or while it is in use, or (B) the use of a product after such device or element of design has been removed or rendered inoperative by any person.

(3) In the case of a manufacturer, to distribute in commerce any new product manufactured after the effective date of a regulation prescribed under section 8(b) (requiring information respecting noise) which is applicable to such product, except in conformity with such regulation.

(4) The removal by any person of any notice affixed to a product or container pursuant to regulations prescribed under section 8(b), prior to sale of the product to the ultimate purchaser.

(5) The importation into the United States by any person of any new product in violation of a regulation prescribed under section 9 which is applicable to such product.

(6) The failure or refusal by any person to comply with any requirement of section 11(d) or 13(a) or regulations prescribed under section 13(a), 17, or 18.

Exemptions.

(b)(1) For the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security, the Administrator may exempt for a specified period of time any product, or class thereof, from paragraphs (1), (2), (3), and (5) of subsection (a), upon such terms and conditions as he may find necessary to protect the public health or welfare.

(2) Paragraphs (1), (2), (3), and (4) of subsection (a) shall not apply with respect to any product which is manufactured solely for use outside any State and which (and the container of which) is labeled or otherwise marked to show that it is manufactured solely for use outside any State; except that such paragraphs shall apply to such product if it is in fact distributed in commerce for use in any State.

ENFORCEMENT

Penalty.

SEC. 11. (a) Any person who willfully or knowingly violates paragraph (1), (3), (5), or (6) of subsection (a) of section 10 of this Act shall be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this subsection, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

(b) For the purpose of this section, each day of violation of any paragraph of section 10(a) shall constitute a separate violation of that section.

(c) The district courts of the United States shall have jurisdiction of actions brought by and in the name of the United States to restrain any violations of section 10(a) of this Act. Jurisdiction.

(d)(1) Whenever any person is in violation of section 10(a) of this Act, the Administrator may issue an order specifying such relief as he determines is necessary to protect the public health and welfare.

(2) Any order under this subsection shall be issued only after notice and opportunity for a hearing in accordance with section 554 of title 5 of the United States Code. 80 Stat. 384.

(e) The term "person," as used in this section, does not include a department, agency, or instrumentality of the United States. "Person."

CITIZEN SUITS

SEC. 12. (a) Except as provided in subsection (b), any person (other than the United States) may commence a civil action on his own behalf—

(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any noise control requirement (as defined in subsection (e)), or USC prec. title 1.

(2) against—

(A) the Administrator of the Environmental Protection Agency where there is alleged a failure of such Administrator to perform any act or duty under this Act which is not discretionary with such Administrator, or

(B) the Administrator of the Federal Aviation Administration where there is alleged a failure of such Administrator to perform any act or duty under section 611 of the Federal Aviation Act of 1958 which is not discretionary with such Administrator. *Ante*, p. 1239.

The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to restrain such person from violating such noise control requirement or to order such Administrator to perform such act or duty, as the case may be. Jurisdiction.

(b) No action may be commenced—

(1) under subsection (a)(1)—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator of the Environmental Protection Agency (and to the Federal Aviation Administrator in the case of a violation of a noise control requirement under such section 611) and (ii) to any alleged violator of such requirement, or Notice.

(B) if an Administrator has commenced and is diligently prosecuting a civil action to require compliance with the noise control requirement, but in any such action in a court of the United States any person may intervene as a matter of right, or

(2) under subsection (a)(2) prior to sixty days after the plaintiff has given notice to the defendant that he will commence such action.

Notice under this subsection shall be given in such manner as the Administrator of the Environmental Protection Agency shall prescribe by regulation.

(c) In an action under this section, the Administrator of the Environmental Protection Agency, if not a party, may intervene as a matter of right. In an action under this section respecting a noise control requirement under section 611 of the Federal Aviation Act of 1958, Intervention.

the Administrator of the Federal Aviation Administration, if not a party, may also intervene as a matter of right.

Litigation 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 an 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 any noise control requirement or to seek any other relief (including relief against an Administrator).

"Noise control requirement."

(f) For purposes of this section, the term "noise control requirement" means paragraph (1), (2), (3), (4), or (5) of section 10(a), or a standard, rule, or regulation issued under section 17 or 18 of this Act or under section 611 of the Federal Aviation Act of 1958.

Ante, p. 1239.

RECORDS, REPORTS, AND INFORMATION

SEC. 13. (a) Each manufacturer of a product to which regulations under section 6 or section 8 apply shall—

(1) establish and maintain such records, make such reports, provide such information, and make such tests, as the Administrator may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this Act,

(2) upon request of an officer or employee duly designated by the Administrator, permit such officer or employee at reasonable times to have access to such information and the results of such tests and to copy such records, and

(3) to the extent required by regulations of the Administrator, make products coming off the assembly line or otherwise in the hands of the manufacturer available for testing by the Administrator.

Confidential information.

(b)(1) All information obtained by the Administrator or his representatives pursuant to subsection (a) of this section, which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other Federal officers or employees, in whose possession it shall remain confidential, or when relevant to the matter in controversy in any proceeding under this Act.

62 Stat. 791.

Disclosure.

(2) Nothing in this subsection shall authorize the withholding of information by the Administrator, or by any officers or employees under his control, from the duly authorized committees of the Congress.

Violations and penalties.

(c) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

RESEARCH, TECHNICAL ASSISTANCE, AND PUBLIC INFORMATION

SEC. 14. In furtherance of his responsibilities under this Act and to complement, as necessary, the noise-research programs of other Federal agencies, the Administrator is authorized to:

(1) Conduct research, and finance research by contract with any person, on the effects, measurement, and control of noise, including but not limited to—

(A) investigation of the psychological and physiological effects of noise on humans and the effects of noise on domestic animals, wildlife, and property, and determination of acceptable levels of noise on the basis of such effects;

(B) development of improved methods and standards for measurement and monitoring of noise, in cooperation with the National Bureau of Standards, Department of Commerce; and

(C) determination of the most effective and practicable means of controlling noise emission.

(2) Provide technical assistance to State and local governments to facilitate their development and enforcement of ambient noise standards, including but not limited to—

(A) advice on training of noise-control personnel and on selection and operation of noise-abatement equipment; and

(B) preparation of model State or local legislation for noise control.

(3) Disseminate to the public information on the effects of noise, acceptable noise levels, and techniques for noise measurement and control.

DEVELOPMENT OF LOW-NOISE-EMISSION PRODUCTS

SEC. 15. (a) For the purpose of this section: Definitions.

(1) The term "Committee" means the Low-Noise-Emission Product Advisory Committee.

(2) The term "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

(3) The term "low-noise-emission product" means any product which emits noise in amounts significantly below the levels specified in noise emission standards under regulations applicable under section 6 at the time of procurement to that type of product.

(4) The term "retail price" means (A) the maximum statutory price applicable to any type of product; or (B) in any case where there is no applicable maximum statutory price, the most recent procurement price paid for any type of product.

(b)(1) The Administrator shall determine which products qualify as low-noise-emission products in accordance with the provisions of this section.

(2) The Administrator shall certify any product— Certification.

(A) for which a certification application has been filed in accordance with paragraph (5)(A) of this subsection;

(B) which is a low-noise-emission product as determined by the Administrator; and

(C) which he determines is suitable for use as a substitute for a type of product at that time in use by agencies of the Federal Government.

(3) The Administrator may establish a Low-Noise-Emission Product Advisory Committee to assist him in determining which products qualify as low-noise-emission products for purposes of this section. The Committee shall include the Administrator or his designee, a representative of the National Bureau of Standards, and representatives of such other Federal agencies and private individuals as the Administrator may deem necessary from time to time. Any member of the Committee not employed on a full-time basis by the United States may receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day such

Low-Noise-Emission Product Advisory Committee, establishment.

Membership.

5 USC 5332 note.

Travel expenses.

member is engaged upon work of the Committee. Each member of the Committee shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

80 Stat. 499; 83 Stat. 190.

(4) Certification under this section shall be effective for a period of one year from the date of issuance.

(5)(A) Any person seeking to have a class or model of product certified under this section shall file a certification application in accordance with regulations prescribed by the Administrator.

Publication in Federal Register.

(B) The Administrator shall publish in the Federal Register a notice of each application received.

(C) The Administrator shall make determinations for the purpose of this section in accordance with procedures prescribed by him by regulation.

(D) The Administrator shall conduct whatever investigation is necessary, including actual inspection of the product at a place designated in regulations prescribed under subparagraph (A).

(E) The Administrator shall receive and evaluate written comments and documents from interested persons in support of, or in opposition to, certification of the class or model of product under consideration.

(F) Within ninety days after the receipt of a properly filed certification application the Administrator shall determine whether such product is a low-noise-emission product for purposes of this section. If the Administrator determines that such product is a low-noise-emission product, then within one hundred and eighty days of such determination the Administrator shall reach a decision as to whether such product is a suitable substitute for any class or classes of products presently being purchased by the Federal Government for use by its agencies.

Publication in Federal Register.

(G) Immediately upon making any determination or decision under subparagraph (F), the Administrator shall publish in the Federal Register notice of such determination or decision, including reasons therefor.

(c)(1) Certified low-noise-emission products shall be acquired by purchase or lease by the Federal Government for use by the Federal Government in lieu of other products if the Administrator of General Services determines that such certified products have procurement costs which are no more than 125 per centum of the retail price of the least expensive type of product for which they are certified substitutes.

(2) Data relied upon by the Administrator in determining that a product is a certified low-noise-emission product shall be incorporated in any contract for the procurement of such product.

(d) The procuring agency shall be required to purchase available certified low-noise-emission products which are eligible for purchase to the extent they are available before purchasing any other products for which any low-noise-emission product is a certified substitute. In making purchasing selections between competing eligible certified low-noise-emission products, the procuring agency shall give priority to any class or model which does not require extensive periodic maintenance to retain its low-noise-emission qualities or which does not involve operating costs significantly in excess of those products for which it is a certified substitute.

Statutory price limitations, waiver.

(e) For the purpose of procuring certified low-noise-emission products any statutory price limitations shall be waived.

Tests.

(f) The Administrator shall, from time to time as he deems appropriate, test the emissions of noise from certified low-noise-emission products purchased by the Federal Government. If at any time he finds that the noise-emission levels exceed the levels on which certifi-

cation under this section was based, the Administrator shall give the supplier of such product written notice of this finding, issue public notice of it, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the Administrator, he may order the supplier to show cause why the product involved should be eligible for recertification.

(g) There are authorized to be appropriated for paying additional amounts for products pursuant to, and for carrying out the provisions of, this section, $1,000,000 for the fiscal year ending June 30, 1973, and $2,000,000 for each of the two succeeding fiscal years. Appropriation.

(h) The Administrator shall promulgate the procedures required to implement this section within one hundred and eighty days after the date of enactment of this Act.

JUDICIAL REVIEW; WITNESSES

SEC. 16. (a) A petition for review of action of the Administrator of the Environmental Protection Agency in promulgating any standard or regulation under section 6, 17, or 18 of this Act or any labeling regulation under section 8 of this Act may be filed only in the United States Court of Appeals for the District of Columbia Circuit, and a petition for review of action of the Administrator of the Federal Aviation Administration in promulgating any standard or regulation under section 611 of the Federal Aviation Act of 1958 may be filed only in such court. Any such petition shall be filed within ninety days from the date of such promulgation, or after such date if such petition is based solely on grounds arising after such ninetieth day. Action of either Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement. *Ante*, p. 1239.

(b) If a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and was not available at the time of the proceeding before the Administrator of such Agency or Administration (as the case may be), the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before such Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. Such Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

(c) With respect to relief pending review of an action by either Administrator, no stay of an agency action may be granted unless the reviewing court determines that the party seeking such stay is (1) likely to prevail on the merits in the review proceeding and (2) will suffer irreparable harm pending such proceeding.

(d) For the purpose of obtaining information to carry out this Act, the Administrator of the Environmental Protection Agency may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In cases of contumacy or refusal to obey a subpena served upon any person under 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 United States and after notice to such person, Subpenas.

shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

RAILROAD NOISE EMISSION STANDARDS

Regulations.

SEC. 17. (a)(1) Within nine months after the date of enactment of this Act, the Administrator shall publish proposed noise emission regulations for surface carriers engaged in interstate commerce by railroad. Such proposed regulations shall include noise emission standards setting such limits on noise emissions resulting from operation of the equipment and facilities of surface carriers engaged in interstate commerce by railroad which reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance. These regulations shall be in addition to any regulations that may be proposed under section 6 of this Act.

(2) Within ninety days after the publication of such regulations as may be proposed under paragraph (1) of this subsection, and subject to the provisions of section 16 of this Act, the Administrator shall promulgate final regulations. Such regulations may be revised, from time to time, in accordance with this subsection.

(3) Any standard or regulation, or revision thereof, proposed under this subsection shall be promulgated only after consultation with the Secretary of Transportation in order to assure appropriate consideration for safety and technological availability.

(4) Any regulation or revision thereof promulgated under this subsection shall take effect after such period as the Administrator finds necessary, after consultation with the Secretary of Transportation, to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

(b) The Secretary of Transportation, after consultation with the Administrator, shall promulgate regulations to insure compliance with all standards promulgated by the Administrator under this section. The Secretary of Transportation shall carry out such regulations through the use of his powers and duties of enforcement and inspection authorized by the Safety Appliance Acts, the Interstate Commerce Act, and the Department of Transportation Act. Regulations promulgated under this section shall be subject to the provisions of sections 10, 11, 12, and 16 of this Act.

27 Stat. 531.
45 USC 1.
24 Stat. 379.
49 USC prec. 1 note.
80 Stat. 931.
49 USC 1651 note.

(c)(1) Subject to paragraph (2) but notwithstanding any other provision of this Act, after the effective date of a regulation under this section applicable to noise emissions resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad, no State or political subdivision thereof may adopt or enforce any standard applicable to noise emissions resulting from the operation of the same equipment or facility of such carrier unless such standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by any regulation under this section.

(2) Nothing in this section shall diminish or enhance the rights of any State or political subdivision thereof to establish and enforce standards or controls on levels of environmental noise, or to control, license, regulate, or restrict the use, operation, or movement of any product if the Administrator, after consultation with the Secretary of Transportation, determines that such standard, control, license, regulation, or restriction is necessitated by special local conditions and is not in conflict with regulations promulgated under this section.

(d) The terms "carrier" and "railroad" as used in this section shall have the same meaning as such terms have under the first section of the Act of February 17, 1911 (45 U.S.C. 22). 36 Stat. 913; 43 Stat. 659.

MOTOR CARRIER NOISE EMISSION STANDARDS

SEC. 18. (a)(1) Within nine months after the date of enactment of this Act, the Administrator shall publish proposed noise emission regulations for motor carriers engaged in interstate commerce. Such proposed regulations shall include noise emission standards setting such limits on noise emissions resulting from operation of motor carriers engaged in interstate commerce which reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance. These regulations shall be in addition to any regulations that may be proposed under section 6 of this Act. Regulations.

(2) Within ninety days after the publication of such regulations as may be proposed under paragraph (1) of this subsection, and subject to the provisions of section 16 of this Act, the Administrator shall promulgate final regulations. Such regulations may be revised from time to time, in accordance with this subsection.

(3) Any standard or regulation, or revision thereof, proposed under this subsection shall be promulgated only after consultation with the Secretary of Transportation in order to assure appropriate consideration for safety and technological availability.

(4) Any regulation or revision thereof promulgated under this subsection shall take effect after such period as the Administrator finds necessary, after consultation with the Secretary of Transportation, to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

(b) The Secretary of Transportation, after consultation with the Administrator shall promulgate regulations to insure compliance with all standards promulgated by the Administrator under this section. The Secretary of Transportation shall carry out such regulations through the use of his powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act. Regulations promulgated under this section shall be subject to the provisions of sections 10, 11, 12, and 16 of this Act. 24 Stat. 379. 49 USC prec. 1 note. 80 Stat. 931. 49 USC 1651 note.

(c)(1) Subject to paragraph (2) of this subsection but notwithstanding any other provision of this Act, after the effective date of a regulation under this section applicable to noise emissions resulting from the operation of any motor carrier engaged in interstate commerce, no State or political subdivision thereof may adopt or enforce any standard applicable to the same operation of such motor carrier, unless such standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by any regulation under this section.

(2) Nothing in this section shall diminish or enhance the rights of any State or political subdivision thereof to establish and enforce standards or controls on levels of environmental noise, or to control, license, regulate, or restrict the use, operation, or movement of any product if the Administrator, after consultation with the Secretary of Transportation, determines that such standard, control, license, regulation, or restriction is necessitated by special local conditions and is not in conflict with regulations promulgated under this section.

(d) For purposes of this section, the term "motor carrier" includes a common carrier by motor vehicle, a contract carrier by motor vehicle, "Motor carrier."

and a private carrier of property by motor vehicle as those terms are defined by paragraphs (14), (15), and (17) of section 203(a) of the Interstate Commerce Act (49 U.S.C. 303(a)).

49 Stat. 545; 54 Stat. 920; 71 Stat. 411.

AUTHORIZATION OF APPROPRIATIONS

SEC. 19. There is authorized to be appropriated to carry out this Act (other than section 15) $3,000,000 for the fiscal year ending June 30, 1973; $6,000,000 for the fiscal year ending June 30, 1974; and $12,000,000 for the fiscal year ending June 30, 1975.

Approved October 27, 1972.

Public Law 92-575

October 27, 1972
[H. R. 13396]

AN ACT

To authorize an increase in land acquisition funds for the Delaware Water Gap National Recreation Area, and for other purposes.

Delaware Water Gap National Recreation Area. Appropriation. 16 USC 460o-7.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act of September 1, 1965 (79 Stat. 612, 614), is amended by deleting the figure "$37,412,000" in the first sentence and substituting in lieu thereof the figure "$65,000,000".

SEC. 2. That section 2 of the Act of September 1, 1965 (79 Stat. 612) is amended by adding at the end thereof the following: "*Provided, further*, That whenever an owner of property elects to retain a right of use and occupancy pursuant to this Act, such owner shall be deemed to have waived any benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894)."

42 USC 4601 note. Frank W. Whitenack, land conveyance.

SEC. 3. (a) That the Secretary of the Interior is authorized and directed to issue, subject to the provisions of this section, to Frank W. Whitenack of Georgetown, Colorado, a patent in fee (exclusive of oil, gas, and other mineral rights) to the following described tract of land, situated in the vicinity of Georgetown, Colorado:

Beginning at a stake at corner numbered 1, whence the northeast corner section 5, township 4 south, range 74 west, sixth principal meridian bears north 29 degrees 57 minutes west 761.7 feet, thence east 279.7 feet to corner numbered 2, thence south 176.0 feet to corner numbered 3, thence south 82 degrees 16 minutes west 200.5 feet to corner numbered 4 which is also corner numbered 1, survey numbered 18737, Dora Lode, thence south 7 degrees 44 minutes east 150 feet to corner numbered 5, which is also corner numbered 4, survey numbered 18737 Dora Lode, thence north 82 degrees 16 minutes east 180.1 feet to corner numbered 6, thence south 992.6 feet to corner numbered 7, thence west 660 feet to corner numbered 8, thence north 502 feet to corner numbered 9, thence south 60 degrees 20 minutes east 119.4 feet to corner numbered 10, which is also corner numbered 3 survey numbered 408 Mills Placer, thence north 17 degrees 30 minutes east 919.7 feet to the place of beginning.

(b) The patent in fee authorized by this Act shall be issued subject to the payment by the said Frank W. Whitenack to the Secretary of the Interior of an amount equal to the fair market value of the property conveyed as determined by the Secretary after appraisal, exclusive of improvements placed thereon by Frank W. Whitenack and his grantees.

Approved October 27, 1972.

Public Law 92-576

AN ACT

October 27, 1972
[S. 2318]

To amend the Longshoremen's and Harbor Workers' Compensation Act, 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 "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972".

Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972.

COVERAGE

Definitions.

SEC. 2. (a) Section 2(3) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 902) is amended to read as follows:

"(3) The term 'employee' means any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harborworker including a ship repairman, shipbuilder, and shipbreaker, but such term does not include a master or member of a crew of any vessel, or any person engaged by the master to load or unload or repair any small vessel under eighteen tons net."

(b) Section 2(4) of such Act is amended by striking out "(including any dry dock)" and inserting in lieu thereof "(including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel)".

(c) Section 3(a) of such Act is amended by striking out "(including any dry dock) and if recovery for the disability or death through workmen's compensation proceedings may not validly be provided by State law", and inserting in lieu thereof "(including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel)".

44 Stat. 1426.
33 USC 903.

STUDENT BENEFITS

Definitions.

SEC. 3. (a) Section 2 of the Longshoremen's and Harbor Workers' Compensation Act is amended by redesignating paragraph (19) as paragraph (20) and adding a new paragraph (19) as follows:

"(19) The term 'student' means a person regularly pursuing a full-time course of study or training at an institution which is—

"(A) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof,

"(B) a school or college or university which has been accredited by a State or by a State recognized or nationally recognized accrediting agency or body,

"(C) a school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

"(D) an additional type of educational or training institution as defined by the Secretary,

but not after he reaches the age of twenty-three or has completed four years of education beyond the high school level, except that, where his twenty-third birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed

to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the Secretary that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration during which, in the judgment of the Secretary, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States."

52 Stat. 1164.
33 USC 902.

(b) The last sentence of section 2(14) of such Act is amended to read as follows: " 'Child', 'grandchild', 'brother', and 'sister' include only a person who is under eighteen years of age, or who, though eighteen years of age or over, is (1) wholly dependent upon the employee and incapable of self-support by reason of mental or physical disability, or (2) a student as defined in paragraph (19) of this section."

TIME FOR COMMENCEMENT OF COMPENSATION

70 Stat. 654.
33 USC 906.

SEC. 4. Section 6(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended by striking out "more than twenty-eight days" and inserting in lieu thereof "more than fourteen days".

MAXIMUM AND MINIMUM LIMITS OF DISABILITY COMPENSATION AND ALLOWANCE

75 Stat. 203.

SEC. 5. (a) Section 6 of the Longshoremen's and Harbor Workers' Compensation Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b)(1) Except as provided in subsection (c), compensation for disability shall not exceed the following percentages of the applicable national average weekly wage as determined by the Secretary under paragraph (3):

"(A) 125 per centum or $167, whichever is greater, during the period ending September 30, 1973.

"(B) 150 per centum during the period beginning October 1, 1973, and ending September 30, 1974.

"(C) 175 per centum during the period beginning October 1, 1974, and ending September 30, 1975.

"(D) 200 per centum beginning October 1, 1975.

"(2) Compensation for total disability shall not be less than 50 per centum of the applicable national average weekly wage determined by the Secretary under paragraph (3), except that if the employee's average weekly wages as computed under section 10 are less than 50 per centum of such national average weekly wage, he shall receive his average weekly wages as compensation for total disability.

Post, p. 1258.

"(3) As soon as practicable after June 30 of each year, and in any event prior to October 1 of such year, the Secretary shall determine the national average weekly wage for the three consecutive calendar quarters ending June 30. Such determination shall be the applicable national average weekly wage for the period beginning with October 1 of that year and ending with September 30 of the next year. The initial determination under this paragraph shall be made as soon as practicable after the enactment of this subsection.

"(c) The maximum rate of compensation for a nonappropriated fund instrumentality employee shall be equal to 66⅔ per centum of the maximum rate of basic pay established for a Federal employee in grade GS–12 by section 5332 of title 5, United States Code, and the minimum rate of compensation for such an employee shall be

5 USC 5332 note.

equal to 66⅔ per centum of the minimum rate of basic pay established for a Federal employee in grade GS–2 by such section. 5 USC 5332 note.

"(d) Determinations under this subsection with respect to a period shall apply to employees or survivors currently receiving compensation for permanent total disability or death benefits during such period, as well as those newly awarded compensation during such period."

(b) Section 2 of such Act as amended by this Act is further amended by redesignating paragraph (20) thereof as paragraph (21) and by inserting immediately after paragraph (19) the following: *Ante*, p. 1251.

"(20) The term 'national average weekly wage' means the national average weekly earnings of production or nonsupervisory workers on private nonagricultural payrolls." "National average weekly wage."

(c) Section 8(d) of such Act is amended to read as follows: 44 Stat. 1429. 33 USC 908.

"(d)(1) If an employee who is receiving compensation for permanent partial disability pursuant to section 8(c)(1)–(20) dies from causes other than the injury, the total amount of the award unpaid at the time of death shall be payable to or for the benefit of his survivors, as follows: 44 Stat. 1427; 70 Stat. 655; *Post*, p. 1255.

"(A) if the employee is survived only by a widow or widower, such unpaid amount of the award shall be payable to such widow or widower,

"(B) if the employee is survived only by a child or children, such unpaid amount of the award shall be paid to such child or children in equal shares,

"(C) if the employee is survived by a widow or widower and a child or children, such unpaid amount of the award shall be payable to such survivors in equal shares,

"(D) if there be no widow or widower and no surviving child or children, such unpaid amount of the award shall be paid to the survivors specified in section 9(d) (other than a wife, husband, or child); and the amount to be paid each such survivor shall be determined by multiplying such unpaid amount of the award by the appropriate percentage specified in section 9(d), but if the aggregate amount to which all such survivors are entitled, as so determined, is less than such unpaid amount of the award, the excess amount shall be divided among such survivors pro rata according to the amount otherwise payable to each under this subparagraph. *Post*, p. 1258.

"(2) Notwithstanding any other limitation in section 9, the total amount of any award for permanent partial disability pursuant to section 8(c)(1)–(20) unpaid at time of death shall be payable in full in the appropriate distribution.

"(3) If an employee who was receiving compensation for permanent partial disability pursuant to section 8(c)(21) dies from causes other than the injury, his survivors shall receive death benefits as provided in section 9(b)–(g), except that the percentage figures therein shall be applied to the weekly compensation payable to the employee at the time of his death multiplied by 1.5, rather than to his average weekly wages. *Post*, pp. 1257, 1258.

"(4) An award for disability may be made after the death of the injured employee. Except where compensation is payable under section 8(c)(21), if there be no survivors as prescribed in this section, then the compensation payable under this subsection shall be paid to the special fund established under section 44(a) of this Act." *Post*, p. 1256.

(d) The first phrase of section 9 of such Act, preceding the first colon, is amended to read as follows: 33 USC 909.

"If the injury causes death, or if the employee who sustains permanent total disability due to the injury thereafter dies from causes

other than the injury, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:"

75 Stat. 203. 33 USC 914.

(e) Section 14 of such Act is amended by striking out subsection (m).

MEDICAL SERVICES

SEC. 6. (a) Section 7 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

74 Stat. 900. 33 USC 907.

MEDICAL SERVICES AND SUPPLIES

"SEC. 7. (a) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus, for such period as the nature of the injury or the process of recovery may require.

Physician, selection.

"(b) The employee shall have the right to choose an attending physician authorized by the Secretary to provide medical care under this Act as hereinafter provided. If, due to the nature of the injury, the employee is unable to select his physician and the nature of the injury requires immediate medical treatment and care, the employer shall select a physician for him. The Secretary shall actively supervise the medical care rendered to injured employees, shall require periodic reports as to the medical care being rendered to injured employees, shall have authority to determine the necessity, character, and sufficiency of any medical aid furnished or to be furnished, and may, on his own initiative or at the request of the employer, order a change of physicians or hospitals when in his judgment such change is desirable or necessary in the interest of the employee. Change of physicians at the request of employees shall be permitted in accordance with regulations of the Secretary.

Authorized physicians.

"(c) The Secretary may designate the physicians who are authorized to render medical care under the Act. The names of physicians so designated in the community shall be made available to employees through posting or in such other form as the Secretary may prescribe.

"(d) An employee shall not be entitled to recover any amount expended by him for medical or other treatment or services unless he shall have requested the employer to furnish such treatment or services, or to authorize provision of medical or surgical services by the physician selected by the employee, and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide or authorize the same; nor shall any claim for medical or surgical treatment be valid and enforceable, as against such employer, unless within ten days following the first treatment the physician giving such treatment furnish to the employer and the Secretary a report of such injury and treatment, on a form prescribed by the Secretary. The Secretary may, however, excuse the failure to furnish such report within ten days when he finds it to be in the interest of justice to do so, and he may, upon application by a party in interest, make an award for the reasonable value of such medical or surgical treatment so obtained by the employee. If at any time the employee unreasonably refuses to submit to medical or surgical treatment, or to an examination by a physician selected by the employer, the Secretary may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal.

Report.

"(e) In the event that medical questions are raised in any case, the Secretary shall have the power to cause the employee to be examined by a physician employed or selected by the Secretary and to obtain from such physician a report containing his estimate of the employee's physical impairment and such other information as may be appropriate. Any party who is dissatisfied with such report may request a review or reexamination of the employee by one or more different physicians employed or selected by the Secretary. The Secretary shall order such review or reexamination unless he finds that it is clearly unwarranted. Such review or reexamination shall be completed within two weeks from the date ordered unless the Secretary finds that because of extraordinary circumstances a longer period is required. The Secretary shall have the power in his discretion to charge the cost of examination or review under this subsection to the employer, if he is a self-insurer, or to the insurance company which is carrying the risk, in appropriate cases, or to the special fund in section 44.

Physical examination.

Review.

Post, p. 1256.

"(f) An employee shall submit to a physical examination under subsection (e) at such place as the Secretary may require. The place, or places, shall be designated by the Secretary and shall be reasonably convenient for the employee. No physician selected by the employer, carrier, or employee shall be present at or participate in any manner in such examination, nor shall conclusions of such physicians as to the nature or extent of impairment or the cause of impairment be available to the examining physician unless otherwise ordered, for good cause, by the Secretary. Such employer or carrier shall, upon request, be entitled to have the employee examined immediately thereafter and upon the same premises by a qualified physician or physicians in the presence of such physician as the employee may select, if any. Proceedings shall be suspended and no compensation shall be payable for any period during which the employee may refuse to submit to examination.

"(g) All fees and other charges for medical examinations, treatment, or service shall be limited to such charges as prevail in the community for such treatment, and shall be subject to regulation by the Secretary. The Secretary shall issue regulations limiting the nature and extent of medical expenses chargeable against the employer without authorization by the employer or the Secretary.

Fees.

Regulations.

"(h) The liability of an employer for medical treatment as herein provided shall not be affected by the fact that his employee was injured through the fault or negligence of a third party not in the same employ, or that suit has been brought against such third party. The employer shall, however, have a cause of action against such third party to recover any amounts paid by him for such medical treatment in like manner as provided in section 33(b) of this Act.

Third party liability.

Post, p. 1262.

"(i) Unless the parties to the claim agree, the Secretary shall not employ or select any physician for the purpose of making examinations or reviews under subsection (e) of this section who, during such employment, or during the period of two years prior to such employment, has been employed by, or accepted or participated in any fee relating to a workmen's compensation claim from any insurance carrier or any self-insurer."

DISFIGUREMENTS

SEC. 7. Section 8(c)(20) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

44 Stat. 1428.
33 USC 908.

"(20) Disfigurement: Proper and equitable compensation not to exceed $3,500 shall be awarded for serious disfigurement of the face, head, or neck or of other normally exposed areas likely to handicap the employee in securing or maintaining employment."

SPECIAL FUND

SEC. 8. (a) Section 44(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended by adding a period after the word "fund" in the first sentence thereof and deleting the remainder of the sentence.

44 Stat. 1444; 70 Stat. 656. 33 USC 944.

(b) Section 44 of such Act is further amended by redesignating subsections (d), (e), (f), and (g) as (f), (g), (h), and (i), respectively and by striking out subsection (c) and inserting in lieu thereof the following:

Payments.

"(c) Payments into such fund shall be made as follows:

"(1) Whenever the Secretary determines that there is no person entitled under this Act to compensation for the death of an employee which would otherwise be compensable under this Act, the appropriate employer shall pay $5,000 as compensation for the death of such an employee.

"(2) At the beginning of each calendar year the Secretary shall estimate the probable expenses of the fund during that calendar year and each carrier or self-insurer shall make payments into the fund on a prorated assessment by the Secretary in the proportion that the total compensation and medical payments made on risks covered by this Act by each carrier and self-insurer bears to the total of such payments made by all carriers and self-insurers under the Act in the prior calendar year in accordance with a formula and schedule to be determined from time to time by the Secretary to maintain adequate reserves in the fund.

"(3) All amounts collected as fines and penalties under the provisions of this Act shall be paid into such fund.

Records, availability; investigations.

"(d)(1) For the purpose of making rules, regulations, and determinations under this section under and for providing enforcement thereof, the Secretary may investigate and gather appropriate data from each carrier and self-insurer. For that purpose, the Secretary may enter and inspect such places and records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate.

Record-keeping.

"(2) Each carrier and self-insurer shall make, keep, and preserve such records, and make such reports and provide such additional information, as prescribed by regulation or order of the Secretary, as the Secretary deems necessary or appropriate to carry out his responsibilities under this section.

"(3) For the purpose of any hearing or investigation related to determinations or the enforcement of the provisions of this section, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C., title 15, secs. 49 and 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary of Labor.

38 Stat. 722.

Appropriation.

"(e) There is hereby authorized to be appropriated to the Secretary the sum of $2,000,000 which the Secretary shall immediately deposit into the fund. Upon deposit in the fund such moneys shall be treated as the property of such fund. This sum, without additional payments for interest, shall be repaid from the money or property belonging to the fund on a schedule of repayment set by the Secretary: *Provided*, That full repayment must be made no later than five years from the date of deposit into the fund. Each such repayment, as made, shall be covered into the Treasury of the United States as miscellaneous receipts."

Repayment.

(d) Section 44 of such Act is further amended by adding the following new subsections (j) and (k):

"(j) The proceeds of this fund shall be available for payments:

"(1) Pursuant to section 10 and 11 with respect to initial and subsequent annual adjustments in compensation for total permanent disability or death which occurred prior to the effective date of this subsection. 44 Stat. 1431; 62 Stat. 603. 33 USC 910,911.

"(2) Under section 8 (f) and (g), under section 18(b), and under section 39(c). 70 Stat. 655, 656.

"(3) To repay the sums deposited in the fund pursuant to subsection (d). 33 USC 908,918, 939.

"(4) To defray the expense of making examinations as provided in section 7. *Ante*, p. 1254.

"(k) At the close of each fiscal year the Secretary shall submit to the Congress a complete audit of the fund." Audit.

INJURY FOLLOWING PREVIOUS IMPAIRMENT

SEC. 9. (a) Section 8(f)(1) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows: "(1) In any case in which an employee having an existing permanent partial disability suffers injury, the employer shall provide compensation for such disability as is found to be attributable to that injury based upon the average weekly wages of the employee at the time of the injury. If following an injury falling within the provisions of section 8(c)(1)–(20), the employee is totally and permanently disabled, and the disability is found not to be due solely to that injury, the employer shall provide compensation for the applicable prescribed period of weeks provided for in that section for the subsequent injury, or for one hundred and four weeks, whichever is the greater. In all other cases of total permanent disability or of death, found not to be due solely to that injury, of an employee having an existing permanent partial disability, the employer shall provide in addition to compensation under paragraphs (b) and (e) of this section, compensation payments or death benefits for one hundred and four weeks only. If following an injury falling within the provisions of 8(c)(1)–(20), the employee has a permanent partial disability and the disability is found not to be due solely to that injury, and such disability is materially and substantially greater than that which would have resulted from the subsequent injury alone, the employer shall provide compensation for the applicable period of weeks provided for in that section for the subsequent injury, or for one hundred and four weeks, whichever is the greater. 33 USC 908. 70 Stat. 655; *Ante*, p. 1255.

"In all other cases in which the employee has a permanent partial disability, found not to be due solely to that injury, and such disability is materially and substantially greater than that which would have resulted from the subsequent injury alone, the employer shall provide in addition to compensation under paragraphs (b) and (e) of this section, compensation for one hundred and four weeks only.

(2) After cessation of the payments for the period of weeks provided for herein, the employee or his survivor entitled to benefits shall be paid the remainder of the compensation that would be due out of the special fund established in section 44." *Ante*, p. 1256.

(b) Section 8(f) of such Act is further amended by striking out paragraph (2).

DEATH BENEFITS

SEC. 10. (a) Section 9(a) of the Act is amended by striking out "$400" and inserting in lieu thereof "$1,000". 62 Stat. 602. 33 USC 909.

(b) Sections 9 (b) and (c) of such Act are amended by striking "35" and "15" wherever they appear, and substituting "50" and "16⅔" respectively.

52 Stat. 1166.
33 USC 909.

(c) The first sentence of section 9(d) of such Act is amended to read as follows: "If there be no surviving wife or husband or child, or if the amount payable to a surviving wife or husband and to children shall be less in the aggregate than 66⅔ per centum of the average wages of the deceased; then for the support of grandchildren or brothers and sisters, if dependent upon the deceased at the time of the injury, and any other persons who satisfy the definition of the term 'dependent' in section 152 of title 26 of the United States Code, but are not otherwise eligible under this section, 20 per centum of such wages for the support of each such person during such dependency and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the injury, 25 per centum of such wages during such dependency."

68A Stat. 43; 83 Stat. 722.

75 Stat. 203.

(d) Section 9(e) of such Act is amended to read as follows:

"(e) In computing death benefits the average weekly wages of the deceased shall be considered to have been not less than the applicable national average weekly wage as prescribed in section 6(b) but the total weekly benefits shall not exceed the average weekly wages of the deceased."

Ante, p. 1252.

DETERMINATION OF PAY

44 Stat. 1431; 62 Stat. 603.
33 USC 910.

SEC. 11. Section 10 of the Act is amended by adding the following new subsections:

"(f) Effective October 1 of each year, the compensation or death benefits payable for permanent total disability or death arising out of injuries sustained after the date of enactment of this subsection shall be increased by a percentage equal to the percentage (if any) by which the applicable national weekly wage for the period beginning on such October 1, as determined under section 6(b), exceeds the applicable national average weekly wage, as so determined, for the period beginning with the preceding October 1.

"(g) The weekly compensation after adjustment under subsection (f) shall be fixed at the nearest dollar. No adjustment of less than $1 shall be made, but in no event shall compensation or death benefits be reduced.

"(h)(1) Not later than ninety days after the date of enactment of this subsection, the compensation to which an employee or his survivor is entitled due to total permanent disability or death which commenced or occurred prior to enactment of this subsection shall be adjusted. The amount of such adjustment shall be determined in accordance with regulations of the Secretary by designating as the employee's average weekly wage the applicable national average weekly wage determined under section 6(b) and (A) computing the compensation to which such employee or survivor would be entitled if the disabling injury or death had occurred on the day following such enactment date and (B) subtracting therefrom the compensation to which such employee or survivor was entitled on such enactment date; except that no such employee or survivor shall receive total compensation amounting to less than that to which he was entitled on such enactment date. Notwithstanding the foregoing sentence, where such an employee or his survivor was awarded compensation as the result of death or permanent total disability at less than the maximum rate that was provided in this Act at the time of the injury which resulted in the death or disability, then his average weekly wage shall be determined by increasing his average weekly wage at the time of such injury by the percentage which the applicable national average weekly wage has increased between the year in which the injury occurred and the first day of the first month following the enactment of this section. Where

such injury occurred prior to 1947, the Secretary shall determine, on the basis of such economic data as he deems relevant, the amount by which the employee's average weekly wage shall be increased for the pre-1947 period.

"(2) Fifty per centum of any additional compensation or death benefit paid as a result of the adjustment required by paragraphs (1) and (3) of this subsection shall be paid out of the special fund established under section 44 of this Act, and 50 per centum shall be paid from appropriations. *Ante*, p. 1256.

"(3) For the purposes of subsections (f) and (g) an injury which resulted in permanent total disability or death which occurred prior to the date of enactment of this subsection shall be considered to have occurred on the day following such enactment date."

TIME FOR NOTICE AND CLAIMS

SEC. 12. (a) Section 12(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows: 44 Stat. 1431.

"SEC. 12. (a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within thirty days after the date of such injury or death, or thirty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury occurred, and (2) to the employer." 33 USC 912.

(b) Section 13(a) of such Act is amended to read as follows: 33 USC 913.

"SEC. 13. (a) Except as otherwise provided in this section, the right to compensation for disability or death under this Act shall be barred unless a claim therefore is filed within one year after the injury or death. If payment of compensation has been made without an award on account of such injury or death, a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment."

FEES FOR SERVICES

SEC. 13. Section 28 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows: 33 USC 928.

"FEES FOR SERVICES

"SEC. 28. (a) If the employer or carrier declines to pay any compensation on or before the thirtieth day after receiving written notice of a claim for compensation having been filed from the deputy commissioner, on the ground that there is no liability for compensation within the provisions of this Act, and the person seeking benefits shall thereafter have utilized the services of an attorney at law in the successful prosecution of his claim, there shall be awarded, in addition to the award of compensation, in a compensation order, a reasonable attorney's fee against the employer or carrier in an amount approved by the deputy commissioner, Board, or court, as the case may be, which shall be paid directly by the employer or carrier to the attorney for the claimant in a lump sum after the compensation order becomes final. Attorney's fee.

"(b) If the employer or carrier pays or tenders payment of compensation without an award pursuant to section 14(a) and (b) of this Act, and thereafter a controversy develops over the amount of additional compensation, if any, to which the employee may be entitled, the deputy commissioner or Board shall set the matter for an informal conference and following such conference the deputy commissioner or Board shall recommend in writing a disposition of the controversy. If the employer or carrier refuse to accept such written recommendation, within fourteen days after its receipt by them, they shall pay or tender to the employee in writing the additional compensation, if any, to which they believe the employee is entitled. If the employee refuses to accept such payment or tender of compensation, and thereafter utilizes the services of an attorney at law, and if the compensation thereafter awarded is greater than the amount paid or tendered by the employer or carrier, a reasonable attorney's fee based solely upon the difference between the amount awarded and the amount tendered or paid shall be awarded in addition to the amount of compensation. The foregoing sentence shall not apply if the controversy relates to degree or length of disability, and if the employer or carrier offers to submit the case for evaluation by physicians employed or selected by the Secretary, as authorized in section 7(e) and offers to tender an amount of compensation based upon the degree or length of disability found by the independent medical report at such time as an evaluation of disability can be made. If the claimant is successful in review proceedings before the Board or court in any such case an award may be made in favor of the claimant and against the employer or carrier for a reasonable attorney's fee for claimant's counsel in accord with the above provisions. In all other cases any claim for legal services shall not be assessed against the employer or carrier.

44 Stat. 1432.
33 USC 914.

Ante, p. 1254.

Approval; payment.

"(c) In all cases fees for attorneys representing the claimant shall be approved in the manner herein provided. If any proceedings are had before the Board or any court for review of any action, award, order, or decision, the Board or court may approve an attorney's fee for the work done before it by the attorney for the claimant. An approved attorney's fee, in cases in which the obligation to pay the fee is upon the claimant, may be made a lien upon the compensation due under an award; and the deputy commissioner, Board, or court shall fix in the award approving the fee, such lien and manner of payment.

Costs, witnesses' fees.

"(d) In cases where an attorney's fee is awarded against an employer or carrier there may be further assessed against such employer or carrier as costs, fees and mileage for necessary witnesses attending the hearing at the instance of claimant. Both the necessity for the witness and the reasonableness of the fees of expert witnesses must be approved by the hearing officer, the Board, or the court, as the case may be. The amounts awarded against an employer or carrier as attorney's fees, costs, fees and mileage for witnesses shall not in any respect affect or diminish the compensation payable under this Act.

Unapproved fees, solicitation, penalty.

"(e) Any person who receives any fees, other consideration, or any gratuity on account of services rendered as a representative of a claimant, unless such consideration or gratuity is approved by the deputy commissioner, Board, or court, or who makes it a business to solicit employment for a lawyer, or for himself in respect of any claim or award for compensation, shall upon conviction thereof, for each offense be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment."

HEARING PROCEDURE

SEC. 14. Section 19(d) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows: 44 Stat. 1435. 33 USC 919.

"(d) Notwithstanding any other provisions of this Act, any hearing held under this Act shall be conducted in accordance with the provisions of section 554 of title 5 of the United States Code. Any such hearing shall be conducted by a hearing examiner qualified under section 3105 of that title. All powers, duties, and responsibilities vested by this Act, on the date of enactment of the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972, in the deputy commissioners with respect to such hearings shall be vested in such hearing examiners." 80 Stat. 384. 80 Stat. 428.

REVIEW BOARD

SEC. 15. (a) Section 21(b) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows: 33 USC 921.

"(b)(1) There is hereby established a Benefits Review Board which shall be composed of three members appointed by the Secretary from among individuals who are especially qualified to serve on such Board. The Secretary shall designate one of the members of the Board to serve as chairman." Establishment; membership.

"(2) For the purpose of carrying out its functions under this Act, two members of the Board shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

"(3) The Board shall be authorized to hear and determine appeals raising a substantial question of law or fact taken by any party in interest from decisions with respect to claims of employees under this Act and the extensions thereof. The Board's orders shall be based upon the hearing record. The findings of fact in the decision under review by the Board shall be conclusive if supported by substantial evidence in the record considered as a whole. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless ordered by the Board. No stay shall be issued unless irreparable injury would otherwise ensue to the employer or carrier. Authority.

"(4) The Board may, on its own motion or at the request of the Secretary, remand a case to the hearing examiner for further appropriate action. The consent of the parties in interest shall not be a prerequisite to a remand by the Board. Remand.

"(c) Any person adversely affected or aggrieved by a final order of the Board may obtain a review of that order in the United States court of appeals for the circuit in which the injury occurred, by filing in such court within sixty days following the issuance of such Board order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court, to the Board, and to the other parties, and thereupon the Board shall file in the court the record in the proceedings as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and shall have the power to give a decree affirming, modifying, or setting aside, in whole or in part, the order of the Board and enforcing same to the extent that such order is affirmed or modified. The orders, writs, and processes of the court in such proceedings may run, be served, and be returnable anywhere in the United States. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless ordered by the court. No stay U.S. Court of Appeals, review. 72 Stat. 941; 80 Stat. 1323.

shall be issued unless irreparable injury would otherwise ensue to the employer or carrier. The order of the court allowing any stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that irreparable damage would result to the employer, and specifying the nature of the damage."

44 Stat. 1436.
33 USC 921.

(b) Redesignate subsections (c) and (d) of such section as (d) and (e), respectively.

Ante, p. 1253.

(c) Section 2 of such Act as amended by this Act is further amended by redesignating paragraph 21 as paragraph 22 and inserting after paragraph 20 the following new paragraph:

"Board."

"(21) The term 'Board' shall mean the Benefits Review Board."

52 Stat. 1167.
33 USC 914.

(d) Section 14(f) of such Act is amended by striking everything after the words "section 21" and adding in lieu thereof the following: "and an order staying payment has been issued by the Board or court."

33 USC 923, 927.

(e) Sections 23 and 27 of such Act are each amended by adding "or Board" after every reference to "deputy commissioner".

73 Stat. 391.
33 USC 933.

(f) Section 33(b) of such Act is amended by adding the term "or Board" after the term "deputy commissioner".

(g) Section 33(e)(1)(A) of such Act is amended by adding the words "or Board" after the term "deputy commissioner".

(h) Section 33(g) of such Act is amended to read as follows:

"(g) If compromise with such third person is made by the person entitled to compensation or such representative of an amount less than the compensation to which such person or representative would be entitled to under this Act, the employer shall be liable for compensation as determined in subdivision (f) only if the written approval of such compromise is obtained from the employer and its insurance carrier by the person entitled to compensation or such representative at the time of or prior to such compromise on a form provided by the Secretary and filed in the office of the deputy commissioner having jurisdiction of such injury or death within thirty days after such compromise is made."

33 USC 935.

(i) Section 35 of such Act is amended by adding the words "the Board, or" after the words "deputy commissioner".

33 USC 940.

(j) Section 40(f) of such Act is amended by adding the words "or Board member" after the words "deputy commissioner," whenever they occur.

APPEARANCE FOR SECRETARY OF LABOR

45 Stat. 490.
33 USC 921a.

SEC. 16. Section 21a of the Act is amended to read as follows:

"SEC. 21a. Attorneys appointed by the Secretary shall represent the Secretary, the deputy commissioner, or the Board in any court proceedings under section 21 or other provisions of this Act except for proceedings in the Supreme Court of the United States."

CLAIMANT ASSISTANCE

70 Stat. 656.
33 USC 939.

SEC. 17. (a) Section 39(c) of the Longshoremen's and Harbor Workers' Compensation Act is amended by redesignating subsection (c) as paragraph (2) of such subsection and by inserting after subsection (b) thereof the following paragraph:

"(c)(1) The Secretary shall, upon request, provide persons covered by this Act with information and assistance relating to the Act's coverage and compensation and the procedures for obtaining such compensation and including assistance in processing a claim. The Secretary may, upon request, provide persons covered by this Act

with legal assistance in processing a claim. The Secretary shall also provide employees receiving compensation information on medical, manpower, and vocational rehabilitation services and assist such employees in obtaining the best such services available."

THIRD-PARTY LIABILITY

SEC. 18. (a) Section 5 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows: 44 Stat. 1426. 33 USC 905.

"EXCLUSIVENESS OF REMEDY AND THIRD-PARTY LIABILITY

"SEC. 5. (a) The liability of an employer prescribed in section 4 shall be exclusive and in place of all other liability of such employer to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this Act, an injured employee, or his legal representative in case death results from the injury, may elect to claim compensation under the Act, or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant, or that the employee assumed the risk of his employment, or that the injury was due to the contributory negligence of the employee. 33 USC 904.

"(b) In the event of injury to a person covered under this Act caused by the negligence of a vessel, then such person, or anyone otherwise entitled to recover damages by reason thereof, may bring an action against such vessel as a third party in accordance with the provisions of section 33 of this Act, and the employer shall not be liable to the vessel for such damages directly or indirectly and any agreements or warranties to the contrary shall be void. If such person was employed by the vessel to provide stevedoring services, no such action shall be permitted if the injury was caused by the negligence of persons engaged in providing stevedoring services to the vessel. If such person was employed by the vessel to provide ship building or repair services, no such action shall be permitted if the injury was caused by the negligence of persons engaged in providing ship building or repair services to the vessel. The liability of the vessel under this subsection shall not be based upon the warranty of seaworthiness or a breach thereof at the time the injury occurred. The remedy provided in this subsection shall be exclusive of all other remedies against the vessel except remedies available under this Act." *Ante*, p. 1262.

(b) Section 2 of such Act as amended by this Act is further amended by redesignating paragraph 22 as paragraph 23 and inserting after paragraph 21 the following new paragraph: *Ante*, p. 1262.

"(22) The term 'vessel' means any vessel upon which or in connection with which any person entitled to benefits under this Act suffers injury or death arising out of or in the course of his employment, and said vessel's owner, owner pro hac vice, agent, operator, charter or bare boat charterer, master, officer, or crew member." "Vessel."

PROHIBITION AGAINST CERTAIN DISCRIMINATION AGAINST EMPLOYEES

SEC. 19. The Longshoremen's and Harbor Workers' Compensation Act is further amended by redesignating sections 49, 50, and 51 as sections 50, 51, and 52, respectively, and by inserting immediately after section 48 the following new section: 44 Stat. 1446. 33 USC 949, 950.

"DISCRIMINATION AGAINST EMPLOYEES WHO BRING PROCEEDINGS

"SEC. 49. It shall be unlawful for any employer or his duly authorized agent to discharge or in any other manner discriminate against an employee as to his employment because such employee has claimed or attempted to claim compensation from such employer, or because he has testified or is about to testify in a proceeding under this Act. Any employer who violates this section shall be liable to a penalty of not less than $100 or more than $1,000, as may be determined by the deputy commissioner. All such penalties shall be paid to the deputy commissioner for deposit in the special fund as described in section 44, and if not paid may be recovered in a civil action brought in the appropriate United States district court. Any employee so discriminated against shall be restored to his employment and shall be compensated by his employer for any loss of wages arising out of such discrimination: *Provided*, That if such employee shall cease to be qualified to perform the duties of his employment, he shall not be entitled to such restoration and compensation. The employer alone and not his carrier shall be liable for such penalties and payments. Any provision in an insurance policy undertaking to relieve the employer from the liability for such penalties and payments shall be void."

Penalty.

Ante, p. 1256.

MISCELLANEOUS PROVISIONS

SEC. 20. (a) Section 8(i) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

52 Stat. 1165.
33 USC 908.

"(i)(A) Whenever the deputy commissioner determines that is is for the best interests of an injured employee entitled to compensation, he may approve agreed settlements of the interested parties, discharging the liability of the employer for such compensation, notwithstanding the provisions of section 15(b) and section 16 of this act: *Provided*, That if the employee should die from causes other than the injury after the deputy commissioner has approved an agreed settlement as provided for herein, the sum so approved shall be payable, in the manner prescribed in this subsection, to and for the benefit of the persons enumerated in subsection (d) of this section.

Agreed settlements, approval.

44 Stat. 1434.
33 USC 915, 916.

"(B) Whenever the Secretary determines that it is for the best interests of the injured employee entitled to medical benefits, he may approve agreed settlements of the interested parties, discharging the liability of the employer for such medical benefits, notwithstanding the provisions of section 16 of this act: *Provided*, That if the employee should die from causes other than the injury after the Secretary has approved an agreed settlement as provided for herein, the sum so approved shall be payable, in the manner prescribed in this subdivision, to and for the benefit of the persons enumerated in subdivision (d) of this section."

52 Stat. 1167.
33 USC 917.

(b) Section 17 of such Act is amended by inserting "(a)" immediately after the section designation and by adding at the end thereof the following new subsection:

Lien on compensation.
73 Stat. 537; 83 Stat. 133.

"(b) Where a trust fund which complies with section 302(c) of the Labor-Management Relations Act of 1947 (29 U.S.C. 186(c)) established pursuant to a collective-bargaining agreement in effect between an employer and an employee entitled to compensation under this Act has paid disability benefits to an employee which the employee is legally obligated to repay by reason of his entitlement to compensation under this Act, the Secretary may authorize a lien on such compensation in favor of the trust fund for the amount of such payments."

(c) (1) Section 2 of the Longshoremen's and Harbor Workers' Compensation Act as amended by this Act is further amended by striking out subsections (16) and (17) and inserting in lieu thereof the following new subsection (16) and by redesignating subsections 2 (18), (19), (20), (21), (22), and (23) as 2 (17), (18), (19), (20), (21), and (22), respectively.

44 Stat. 1424; *Ante*, pp. 1251, 1253, 1262, 1263.

"(16) The terms 'widow or widower' includes only the decedent's wife or husband living with or dependent for support upon him or her at the time of his or her death; or living apart for justifiable cause or by reason of his or her desertion at such time."

"Widow or widower."

(2) Section 9 of the Longshoremen's and Harbor Workers' Compensation Act, as amended by this Act, is further amended by striking the phrase "surviving wife or dependent husband" each time it appears and inserting in lieu thereof the phrase "widow or widower".

Ante, pp. 1253, 1257.

(3) The amendments made by this subsection shall apply only with respect to deaths or injuries occurring after the enactment of this Act.

TECHNICAL AMENDMENT

SEC. 21. Section 3(a)(1) of the Longshoremen's and Harbor Workers' Compensation Act is amended by striking out the word "nor" and inserting in lieu thereof the word "or".

44 Stat. 1426. 33 USC 903.

EFFECTIVE DATE

SEC. 22. The amendments made by this Act shall become effective thirty days after the date of enactment of this Act.

Approved October 27, 1972.

Public Law 92-577

AN ACT

October 27, 1972 [S. 3959]

To authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments.

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 resource developments. Feasibility studies.

1. Cache Creek project in Comanche, Cotton, Tillman, Jackson, and Kiowa Counties in southwestern Oklahoma.

2. Garrison diversion unit, M&I water facilities, Pick-Sloan Missouri Basin program, in central North Dakota.

3. Oahe unit, M&I water facilities, Pick-Sloan Missouri Basin program in east-central South Dakota.

4. Ventura County Water Management project, California.

5. Tucumcari project in San Miguel County in east-central New Mexico.

6. Uncompahgre project improvement in Montrose and Delta Counties in the vicinity of Montrose and Delta, Colorado.

7. Dominquez Reservoir project in Mesa and Delta Counties, Colorado.

8. Lower James-Fort Randall water diversion proposal of the Pick-Sloan Missouri River Basin program, South Dakota.

9. Three Forks Division, Pick-Sloan Missouri Basin program, in Gallatin and Madison Counties, northwest Montana.

Approved October 27, 1972.

Public Law 92-578

October 27, 1972
[H. R. 10751]

AN ACT

To establish the Pennsylvania Avenue Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes.

Pennsylvania Avenue Development Corporation Act of 1972.

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 "Pennsylvania Avenue Development Corporation Act of 1972".

SEC. 2. The Congress finds and declares—

(a) that it is in the national interest that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, most of which was designated on September 30, 1965, as a national historic site under the Historic Sites Act of August 21, 1935 (16 U.S.C. 461 et seq.), be developed, maintained, and used in a manner suitable to its ceremonial, physical, and historic relationship to the legislative and executive branches of the Federal Government and to the governmental buildings, monuments, memorials, and parks in or adjacent to the area;

49 Stat. 666.

(b) that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, because of its blighted character, imposes severe public, economic, and social liabilities upon the District of Columbia as the seat of the government of the United States, thereby impeding its sound growth and development and constituting a serious and growing threat to the public health, safety, morals, and welfare of its inhabitants;

(c) that to insure suitable development, maintenance, and use of the area and the elimination of blight, it is essential that there be developed and carried out as an entirety plans for this area which will specify the uses, both public and private, to which property is to be put, the programing and financing of necessary acquisitions, construction, reconstruction, and other activities;

(d) that such duties and responsibilities can best be developed and carried out by vesting the requisite powers in a Federal corporation which can take maximum advantage of the private as well as the public resources which will be necessary;

(e) that the powers conferred by this Act are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest; and

Development area.

(f) that the area thus to be developed, maintained, and used in accordance with the provisions of this Act (hereinafter referred to as the development area) shall be the area bounded as follows:

Beginning at a point on the southwest corner of the intersection of Fifteenth Street and E Street Northwest;

thence proceeding easterly along the southerly side of E Street to the southwest corner of the intersection of Thirteenth Street and Pennsylvania Avenue Northwest;

thence southeasterly along the southerly side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Third Street Northwest;

thence northerly along the east side of Third Street to the northeast corner of the intersection of C Street and Third Street Northwest;

thence westerly along the north side of C Street to the northeast corner of the intersection of C Street and Sixth Street Northwest;

thence northerly along the east side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest;

thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest;

thence northerly along the east side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest;

thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest;

thence southerly along the west side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest;

thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest;

thence northerly along the east side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest;

thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest;

thence northerly along the west side of Fifteenth Street to the northwest corner of the intersection of Pennsylvania Avenue and Fifteenth Street Northwest;

thence westerly along the southern side of Pennsylvania Avenue to the southeast corner of the intersection of Pennsylvania Avenue and East Executive Avenue Northwest;

thence southerly along the east side of East Executive Avenue to the intersection of South Executive Place and E Street Northwest;

thence easterly along the south side of E Street to the point of beginning being the southwest corner of the intersection of Fifteenth Street and E Street Northwest.

Pennsylvania Avenue Development Corporation, establishment.

SEC. 3. (a) There is hereby created a body corporate to be known as the Pennsylvania Avenue Development Corporation (hereinafter referred to as the "Corporation").

(b) The Corporation shall be dissolved upon completion, as determined by the Board of Directors, of its implementation of the development plan provided for in section 5 of this Act. Upon dissolution, assets remaining after all the obligations and indebtedness of the Corporation has been fulfilled and paid or satisfied shall be the assets of the United States.

Board of Directors.

(c) The powers and management of the Corporation shall be vested in a Board of Directors consisting of fifteen members, as follows:

(1) The Secretary of the Interior;
(2) The Secretary of the Treasury;
(3) The Secretary of Housing and Urban Development;
(4) The Secretary of Transportation;
(5) The Administrator of General Services;
(6) The Commissioner of the District of Columbia;
(7) The Chairman, District of Columbia Council; and

(8) Eight, at least four of whom shall be residents and who are registered voters of the District of Columbia, appointed by the President from private life, who shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction, or government.

Term.

(d) Each member of the Board of Directors specified in paragraphs (1) through (7) of subsection (c) may designate another official to serve on the Board in his stead if unable to serve in person.

(e) Each member of the Board of Directors appointed under paragraph (8) of subsection (c) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any Director 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 (2) the terms of office of the Directors first taking office shall begin on the date of the enactment of this Act, and shall expire as designated at the time of appointment, two at the end of two years, two at the end of four years, and four at the end of six years. A Director may continue to serve until his successor has qualified.

Chairman.

(f) The President shall designate a Chairman and a Vice Chairman from among the members of the Board of Directors, chosen from private life.

(g) The Chairman, upon his appointment, shall invite to serve on the Board of Directors as nonvoting members the following:

(1) The Chairman of the Commission of Fine Arts;

(2) The Chairman of the National Capital Planning Commission;

(3) The Secretary of the Smithsonian Institution;

(4) The Director of the National Gallery of Art;

(5) The Architect of the Capitol;

(6) The Archivist of the United States;

(7) The Chairman of the District of Columbia, Commission on the Arts; and

(8) The Chairman of the District of Columbia Redevelopment Land Agency.

Compensation.

(h) Members of the Board of Directors who are officers or employees of the Federal or District of Columbia government shall receive no additional compensation by virtue of their membership on the Board. Other members of the Board, when engaged in the activities of the Corporation, shall be entitled to receive compensation at the daily equivalent of the rate for GS–18 of the General Schedule, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)–(d) and 5707) for persons in the Government service employed intermittently.

5 USC 5332 note.

80 Stat. 499; 83 Stat. 190.

Meetings, quorum.

(i) The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. A majority of the voting members of the Board of Directors (or their designated alternates) shall constitute a quorum.

Advisory Board.

(j) There shall be established a nonvoting Advisory Board of seven members appointed by the Chairman from among tenants and owners of real property within the development area. The Advisory Board shall meet at least twice annually with the Board of Directors, and shall otherwise offer such advice and assistance as may be of benefit to the Board of Directors during preparation of the development plan.

Executive Director.

SEC. 4. (a) The Board of Directors shall have the power to appoint and fix the compensation and duties of the Executive Director and such

other officers and employees of the Corporation as may be necessary for the efficient administration of the Corporation; the Executive Director and two other officers of the Corporation may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter 53 of title 5 of the United States Code.

80 Stat. 378.
5 USC 101 et seq.
5 USC 5101, 5331.

(b) Administrative services shall be provided by the General Services Administration on a reimbursable basis.

GSA, administrative services.

SEC. 5. (a) The development plan for the development area shall include, but not be limited to: (1) the types of uses, both public and private, to be permitted; (2) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (3) an estimate of the current values of all properties to be acquired; (4) an estimate of the relocation costs which would be incurred in carrying out the provisions of section 8 of this Act; (5) an estimate of the cost of land preparation for all properties to be acquired; (6) an estimate of the reuse values of the properties to be acquired; (7) a program for the staging of a proposed development, including a detailed description of the portion of the program to be scheduled for completion by 1976; (8) a determination of the marketability of such development; (9) an estimate of the development costs, both public and private; (10) a thorough study of the economic impact of such development, including the impact on the local tax base, the metropolitan area as whole, and the existing business activities within the development area; and (11) the procedures (including both interim and long-term arrangements) to be used in carrying out and insuring continuing conformance to the development plan.

Development plan.

(b) The development plan provided for in subsection (a) shall be prepared with the Cooperation of the Department of the Interior, the General Services Administration, and the District of Columbia government with the maximum feasible use of their staffs and other resources on a reimbursable basis by the Corporation.

(c) After the development plan has been completed and approved by the Board of Directors of the Corporation, it shall be submitted to the Secretary of the Interior and the Commissioner of the District of Columbia. The Secretary of the Interior, within ninety days, shall notify the Corporation of his approval or recommended modifications from the standpoint of the compatibility of the plan with his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site. The Commissioner of the District of Columbia, within ninety days, shall consult with the National Capital Planning Commission, shall hold public hearings on the plan, and shall notify the Corporation of his approval or recommended modifications: *Provided*, That in the event that the Secretary of the Interior or the Commissioner of the District of Columbia has not notified the Corporation of his approval or recommended modifications of the plan within ninety days after the date of submission, he shall be deemed to have approved the plan.

Submittal to Secretary of Interior and D.C. Commissioner.

Public hearings.

(d) In the event the Secretary of the Interior or the Commissioner of the District of Columbia has recommended modifications of the plan, the Corporation within one hundred and twenty days of the original submission of the plan shall consult with them regarding such modifications and shall prepare a development plan which shall be transmitted to the President of the Senate and the Speaker of the House of Representatives.

Transmittal to Congress.

If the Secretary of the Interior or the Commissioner of the District of Columbia has not approved the development plan, the transmittal

shall include a specification of the areas of difference, the modifications suggested by the Secretary of the Interior or the Commissioner of the District of Columbia and the views of the Corporation thereon. Following the expiration of sixty legislative days after the date of such transmittal, the Corporation may proceed with the execution and implementation of the plan unless between the date of transmittal and the end of the sixty legislative day period, either the Senate or the House of Representatives passes a resolution in opposition to the development plan.

(e) Activities under the development plan shall be carried out in accordance with the approved development plan. The Corporation may alter, revise, or amend the plan, but any such alteration, revision, or amendment which is a substantial change from the approved development plan shall take effect only upon compliance with the procedures set forth in subsections (c) and (d) of this section. For the purposes of this subsection, the term "substantial change" shall mean one involving a major alteration in the character or intensity of an existing or proposed use in the development area which in the opinion of the Corporation causes an increase or decrease of 10 per centum or more of the dollar amount of the estimate prepared in accordance with subsection (a)(9) of this section, or one which, in the opinion of the Secretary of the Interior, affects his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site.

"Substantial change."

(f) To avoid duplication and unnecessary expense the Corporation shall, to the maximum feasible extent in conducting its operations, utilize the services and facilities of other agencies, including the Department of the Interior, General Services Administration, the National Capital Planning Commission, the District of Columbia government, and the District of Columbia Redevelopment Land Agency.

Other government agencies, services.

SEC. 6. In carrying out its powers and duties, the Corporation—

Corporation powers.

(1) shall have all necessary and proper powers for the exercise of the authorities vested in it;

(2) shall have succession in its corporate name;

(3) may adopt and use a corporate seal which shall be judicially noticed;

(4) may sue and be sued in its corporate name. All litigation arising out of the activities of the Corporation shall be conducted by the Attorney General;

(5) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(6) may acquire lands, improvements, and properties within the development area by purchase, lease, donation, or exchange; may hold, maintain, use, or operate such properties; may sell, lease, or otherwise dispose of such real and personal property and any interest therein as the Corporation deems necessary to carry out the development plan; or may lease, repurchase, or otherwise acquire and hold any property which the Corporation has theretofore sold, leased, conveyed, transferred, or otherwise disposed of: *Provided*, That condemnation proceedings for the acquisition of real property (including interests therein), which may be necessary or appropriate in order to carry out the development plan, shall be conducted in accordance with the procedural provisions of chapter 13, subchapter IV, of title 16 of the District of Columbia Code: *Provided further*, That prior to acquiring any residential property there shall be a finding of assurance of adequate

Condemnation proceedings.

77 Stat. 577. D.C. Code 16-1351.

replacement housing consonant with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894); 42 USC 4601 note.

(7) may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation (including agreements with private utility companies with respect to the relocation of utility lines and other facilities in the development area) as may be deemed necessary or appropriate to the conduct of activities authorized under this Act;

(8) may establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure development, maintenance, and protection of the development area in accordance with the development plan;

(9) shall seek authority from the Congress to borrow money by issuing marketable obligations, after obtaining proposals from at least three private financial analysts on the feasibility of private versus public financing of the Corporation, which proposals shall be transmitted to the Congress with the development plan as provided in section 5 of this Act. Financing; proposals, transmittal to Congress.

(10) may borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts, but not to exceed $50,000,000. Such borrowings from the Treasury shall have such maturities, terms, and conditions as may be agreed upon by the Corporation and the Secretary of the Treasury, but the maturities may not be in excess of forty years, and such borrowings may be redeemable at the option of the Corporation before maturity. Such borrowings shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations of the Corporation. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Said obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Corporation to issue obligations hereunder shall expire June 3, 1980, except that obligations may be issued at any time after the expiration of said period to provide funds necessary for the performance of any contract entered into by the Corporation, prior to the expiration of said period. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued under this paragraph and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Loan Bond Act, as amended, are extended to include any purchase of the Corporation's obligations under this paragraph; Limitation. Obligations, issuance, authority expiration. 40 Stat. 288. 31 USC 774.

(11) may invest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, with the approval of the Secretary of the Treasury, in obligations of the United States Government, or obligations the principal and

Restriction.

interest of which are guaranteed by the United States Government: *Provided*, That this authority shall not extend to moneys obtained by borrowing from the Government or through appropriations to the Corporation;

(12) may procure insurance against any loss in connection with its property and other assets and operations;

(13) may contract for and accept any gifts or grants or property or financial or other aid in any form from the Federal Government or any agency or instrumentality thereof, or from any State or any agency or instrumentality thereof, or from any source, and comply subject to the provisions of this Act, with the terms and conditions thereof;

(14) may determine the character of and necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions and laws specifically applicable to wholly owned Government corporations;

(15) may prepare or cause to be prepared plans, specifications, designs, and estimates of cost for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project, and from time to time may modify such plans, specifications, designs, or estimates;

(16) may acquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any project;

(17) may grant options to purchase any project or may renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;

(18) may manage any project, owned or leased by the Corporation, and may enter into agreements with the District of Columbia government or any agency or instrumentality thereof, or with any person, firm, partnership, or corporation, either public or private, for the purpose of causing any such project to be managed;

Personnel.

(19) may utilize or employ the services of personnel of any agency or instrumentality of the Federal Government or of the District of Columbia, with the consent of the agency or instrumentality concerned, upon a reimbursable basis, or utilize voluntary or uncompensated personnel;

Information, availability.

(20) shall publish and disseminate information and make known to potential users, by advertisement, solicitation, or other means, the availability for development of lands in the development area;

(21) may execute all instruments necessary or appropriate in the exercise of any of its functions under this Act, and may delegate to members of the Board or the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Corporation; and

(22) shall be entitled to the use of the United States mails in the same manner as the executive departments of the Government, and shall have all the rights, privileges, and immunities of the United States with respect to debts due from insolvent, deceased, or bankrupt debtors.

SEC. 7. (a) Nothing in this Act shall preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the development area consistent with the development plan or the provisions and purposes of this Act; but no such agency or instrumentality shall release, mod-

ify, or depart from any feature or detail of the development plan without the prior approval of the Corporation.

(b) After the date of the enactment of this Act, no new construction (including substantial remodeling, conversion, rebuilding, enlargement, extension, or major structural improvement of existing building, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy) shall be authorized or conducted within the development area except upon prior certification by the Corporation that the construction is, or may reasonably be expected to be, consistent with the carrying out of the development plan for the area: *Provided*, That if the development plan for the area does not become effective under the provisions of section 5 within twelve months of the date of enactment of this Act, this subsection shall be of no further force and effect until such time as the development plan does become effective under that section.

SEC. 8. (a) The title to any real property (or interest therein) acquired under the authority of this Act shall be taken by and in the name of the Corporation and proceedings for condemnation or other acquisition of property shall be brought by and in the name of the Corporation.

(b) In the administration of a relocation program or programs pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Corporation may utilize the services of the District of Columbia Redevelopment Land Agency. Costs of such services shall be reimbursed by the Corporation to the District of Columbia Redevelopment Land Agency.

84 Stat. 1894.
42 USC 4601 note.

(c) All relocation services performed by or on behalf of the Corporation shall be coordinated with the District of Columbia's central relocation programs.

(d) Owners and tenants of real property whose residence, or retail, wholesale, service or other business is terminated as a result of acquisitions made pursuant to this Act shall be granted a preferential right to lease or purchase from the Corporation or its agent such like real property as may become available for a similar use upon implementation of the development plan. Any such preferential right shall be limited to the parties in interest and shall not be transferable or assignable.

Displaced owners and tenants, preferential right.

SEC. 9. (a) In effectuating the purposes of this Act, the Corporation:

Local needs, primary consideration.

(1) shall consult and cooperate with District of Columbia officials and community leaders at the earliest practicable time;

(2) shall give primary consideration to local needs and desires and to local and regional goals and policies as expressed in urban renewal, community renewal, and comprehensive land use plans and regional plans; and

(3) shall foster local initiative and participation in connection with the planning and development of its projects.

(b) The Corporation shall comply with all District of Columbia laws, ordinances, codes, and regulations in constructing, reconstructing, rehabilitating, altering, and improving any project: *Provided*, That the provisions of section 428 of title 5 of the District of Columbia Code shall apply to all the constructing, reconstructing, rehabilitating, altering, and improving of all buildings by the Corporation. The construction, reconstruction, rehabilitation, alteration, and improvement of any project by non-Government sources shall be subject to the provisions of the District of Columbia Code and zoning regulations.

52 Stat. 802.

SEC. 10. (a) Since the exercise of the powers granted by this Act

Tax exemption.

will be in all respects for the benefit of the people, the Corporation is hereby declared to be devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of every kind of the United States and of the District of Columbia.

Payments to D.C. government.

(b) To the end that the District of Columbia may not suffer undue loss of tax revenue by reason of the provisions of subsection (a), the Corporation, in connection with any real property acquired and owned by the Corporation in carrying out the provisions of this Act shall pay to the District of Columbia government an amount equal to the amount of the real property tax which would have been payable to the District of Columbia government beginning on the date of acquisition of such real property by the Corporation if legal title to such property had been held by a private citizen on such date and during all periods to which such date relates.

Report to President and Congress.

SEC. 11. The Corporation shall transmit to the President and the Congress, annually each January and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

SEC. 12. (a) The Corporation shall contribute to the civil service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission for the excess, if any, of the Government's share of the normal cost of the civil service retirement system applicable to the Corporation's employees and their beneficiaries over the agency contributions required by section 8334(a)(1) of title 5, United States Code.

83 Stat. 136.

(b) The Corporation shall include in the annual billings provided for under subsection (a) above, a statement of the fair portion of the cost of the administration of the fund, which shall be paid by the Corporation into the Treasury as miscellaneous receipts.

SEC. 13. The Corporation is authorized to use in the conduct of its business all its funds and other assets and all funds and other assets which have been or may hereafter be transferred to, allocated to, borrowed by, or otherwise acquired by it.

SEC. 14. (a) All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to moneys and property of the Corporation.

(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Any person who with intent to defraud the Corporation (1) receives any compensation, rebate, or reward, or (2) enters into any conspiracy, collusion, or agreement, express or implied, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

SEC. 15. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by inserting "Pennsylvania Avenue Development Corporation;" after "Farmers Home Corporation;".

59 Stat. 597.

Separability.

SEC. 16. If any provisions of this Act or the application thereof to any body, agency, situation, or circumstances is held invalid the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

SEC. 17. There are hereby authorized to be appropriated not to exceed $1,000,000 for the development of the plan to be prepared pursuant to section 5 of this Act. No appropriations shall be made from the Land and Water Conservation Fund established by the Act of September 3, 1964 (78 Stat. 897, as amended, 16 U.S.C. 4601), to effectuate the purposes of this Act.

Appropriation.

Prohibition.

Approved October 27, 1972.

Public Law 92-579

AN ACT

October 27, 1972
[S. 1524]

To amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property.

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

SECTION 1. (a) Chapter 3 of title 12 of the District of Columbia Code (relating to limitation of actions) is amended by adding at the end the following new section:

D.C. Improvement to real property. Death or injury actions, limitation. 77 Stat. 510. D.C. Code 12-301.

"§ 12–310. Actions arising out of death or injury caused by defective or unsafe improvements to real property

"(a)(1) Except as provided in subsection (b), any action—

"(A) to recover damages for—

"(i) personal injury,

"(ii) injury to real or personal property, or

"(iii) wrongful death,

resulting from the defective or unsafe condition of an improvement to real property, and

"(B) for contribution or indemnity which is brought as a result of such injury or death,

shall be barred unless in the case where injury is the basis of such action, such injury occurs within the ten-year period beginning on the date the improvement was substantially completed, or in the case where death is the basis of such action, either such death or the injury resulting in such death occurs within such ten-year period.

"(2) For purposes of this subsection, an improvement to real property shall be considered substantially completed when—

"(A) it is first used, or

"(B) it is first available for use after having been completed in accordance with the contract or agreement covering the improvement, including any agreed changes to the contract or agreement, whichever occurs first.

"(b) The limitation of actions prescribed in subsection (a) shall not apply to—

"(1) any action based on a contract, express or implied, or

"(2) any action brought against the person who, at the time the defective or unsafe condition of the improvement to real property caused injury or death, was the owner of or in actual possession or control of such real property."

(b) The table of sections for such chapter 3 is amended by adding at the end the following new item:

"12–310. Actions arising out of death or injury caused by defective or unsafe improvements to real property."

Effective date.

SEC. 2. The amendments made by section 1 of this Act shall apply only with respect to actions brought after the date of enactment of this Act.

D.C. Council Chairman, compensation.
D.C. Code 1 app.

SEC. 3. On and after the date of the enactment of this Act, the Chairman of the District of Columbia Council shall receive compensation at the rate of $20,000 per annum.

Approved October 27, 1972.

Public Law 92-580

AN ACT

October 27, 1972
[H. R. 1467]

To amend the Internal Revenue Code of 1954 with respect to personal exemptions in the case of American Samoans, and for other purposes.

Taxes.
American Samoans.
68A Stat. 43; 72 Stat. 1607.
26 USC 152.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 152(b)(3) of the Internal Revenue Code of 1954 (defining the term "dependent") is amended by striking out "citizen of the United States" each place it appears and inserting in lieu thereof "citizen or national of the United States".

80 Stat. 1550.

(b) Paragraph (3) of section 873(b) of such Code (relating to deductions in case of nonresidential alien individuals) is amended to read as follows:

83 Stat. 675.

"(3) PERSONAL EXEMPTION.—The deduction for personal exemptions allowed by section 151, except that only one exemption shall be allowed under section 151 unless the taxpayer is a resident of a contiguous country or is a national of the United States."

Effective date.

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1971.

Estate tax, annuities.
68A Stat. 384; 80 Stat. 33.

SEC. 2. (a) Section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities) is amended by adding at the end thereof the following new subsection:

"(d) EXEMPTION OF CERTAIN ANNUITY INTERESTS CREATED BY COMMUNITY PROPERTY LAWS.—In the case of an employee on whose behalf contributions or payments were made by his employer or former employer under a trust or plan described in subsection (c) (1) or (2), or toward the purchase of a contract described in subsection (c)(3), which under subsection (c) are not considered as contributed by the employee, if the spouse of such employee predeceases him, then, notwithstanding the provisions of this section or of any other provision of law, there shall be excluded from the gross estate of such spouse the value of any interest of such spouse in such trust or plan or such contract, to the extent such interest—

"(1) is attributable to such contributions or payments, and

"(2) arises solely by reason of such spouse's interest in community income under the community property laws of a State."

Effective date.

(b) The amendment made by subsection (a) shall apply with respect to estates of decedents for which the period prescribed by the Internal Revenue Code of 1954 for filing of a claim for credit or refund of an overpayment of estate tax ends on or after the date of enactment of this Act. No interest shall be allowed or paid on any overpayment of estate tax resulting from the application of the amendment made by subsection (a) for any period prior to the expiration of the one hundred and eightieth day following the date of the enactment of this Act.

72 Stat. 1672; 83 Stat. 711.
26 USC 162 note.

SEC. 3. Section 97 of the Technical Amendments Act of 1958 is amended by striking out "January 1, 1971" and inserting in lieu thereof "January 1, 1973".

SEC. 4. (a) Section 164(b)(2) of the Internal Revenue Code of 1954 (relating to general sales taxes) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR MOTOR VEHICLES.—In the case of motor vehicles, if the rate of tax exceeds the general rate, such excess shall be disregarded and the general rate shall be treated as the rate of tax."

Motor vehicles.
78 Stat. 40.
26 USC 164.

(b) The amendment made by subsection (a) shall apply to taxable years ending on or after January 1, 1971.

Effective date.

Approved October 27, 1972.

Public Law 92-581

AN ACT

October 27, 1972
[H. R. 16925]

To amend title 37, United States Code, to extend the authority for special pay for nuclear-qualified naval submarine officers, authorize special pay for nuclear-qualified naval surface officers, and provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 5 of title 37, United States Code, is amended as follows:

Nuclear-qualified naval personnel.
Special pay, extension.
76 Stat. 461; 83 Stat. 12.
37 USC 301.

(1) The catchline of section 312 and the corresponding item in the chapter analysis for that section are each amended by striking out "submarine".

(2) Section 312 is amended—

(A) by striking out clause (2) of subsection (a);

(B) by striking out "in active submarine service" in clause (5) of subsection (a) and inserting in place thereof "on active duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants";

(C) by striking out "submarine service" in subsection (c) and inserting in place thereof "duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants";

(D) by striking out "submarine" in subsection (d); and

(E) by striking out "1973" in subsection (e) and inserting in place thereof "1975".

(3) By adding the following new section:

"§ 312a. Special pay: nuclear-trained and qualified enlisted members

"(a) Under regulations prescribed by the Secretary of Defense, an enlisted member of the naval service who—

"(1) is entitled to basic pay;

"(2) is currently qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

"(3) has completed at least six, but not more than ten, years of active duty and executes, when eligible, a reenlistment agreement for not less than two years;

may upon acceptance of the reenlistment agreement by the Secretary of the Navy or his designee, be paid a bonus not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years or the monthly fractions thereof, of additional obligated service, not to exceed six years, or $15,000, whichever is the lesser amount.

"(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

"(c) An amount paid to a member under subsection (a) of this section is in addition to all other compensation to which he is entitled and does not count against the limitation prescribed by section 308(c) of this title concerning the total amount of reenlistment bonus that may be paid. However, if he receives payment under this section, he is not entitled to any further payments under section 308(g) of this title.

76 Stat. 467.
37 USC 308.

79 Stat. 547.

Failure to complete contract.

"(d) Under regulations prescribed by the Secretary of the Navy, refunds, on a pro rata basis, of sums paid under subsection (a) of this section may be required, and further payments terminated, if the member who has received the payment fails to complete his reenlistment contract, or fails to maintain his technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants.

"(e) Provisions of this section shall be effective only in the cases of members who, on or before June 30, 1975, execute the required written agreement to remain in active service."; and

(4) by inserting the following new item in the analysis:

"312a. Special pay: nuclear-trained and qualified enlisted members.".

Clifton Forge, Va., steam locomotive.
70A Stat. 466.

SEC. 2. The provisions of section 7545(c) of title 10, United States Code, shall not apply with respect to any gift made after the date of enactment of this Act and prior to January 1, 1973, by the Department of the Navy to the city of Clifton Forge, Virginia, of a Baldwin steam locomotive (No. 606) which is no longer needed by the Navy and which has certain historical significance for the city of Clifton Forge, Virginia.

Approved October 27, 1972.

Public Law 92-582

October 27, 1972
[H. R. 12807]

AN ACT

To amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

Architects and engineers.
Federal selection policy, establishment.
63 Stat. 377;
82 Stat. 1104.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IX—SELECTION OF ARCHITECTS AND ENGINEERS

"DEFINITIONS

"SEC. 901. As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term 'architectural and engineering services' includes those professional services of an architectural or engineering nature as well

as incidental services that members of these professions and those in their employ may logically or justifiably perform.

"POLICY

"SEC. 902. The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

"REQUESTS FOR DATA ON ARCHITECTURAL AND ENGINEERING SERVICES

"SEC. 903. In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

"NEGOTIATION OF CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

"SEC. 904. (a) The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

Approved October 27, 1972.

Public Law 92-583

October 27, 1972
[S. 3507]

AN ACT

To establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

Marine Resources and Engineering Development Act of 1966, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101–1124), is further amended by adding at the end thereof the following new title:

80 Stat. 998; 84 Stat. 865.

TITLE III—MANAGEMENT OF THE COASTAL ZONE

SHORT TITLE

SEC. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

SEC. 302. The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

DECLARATION OF POLICY

SEC. 303. The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such managament programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

DEFINITIONS

SEC. 304. For the purposes of this title—

(a) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(b) "Coastal waters" means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(c) "Coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(e) "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set

aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(f) "Secretary" means the Secretary of Commerce.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone, subject to the requirements outlined in section 307(g).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

(b) Such management program shall include:

(1) an identification of the boundaries of the coastal zone subject to the management program;

(2) a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters;

(3) an inventory and designation of areas of particular concern within the coastal zone;

(4) an identification of the means by which the state proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

Limitation.

(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year and no state shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial grant to a coastal state, no subsequent grant shall be made under this section unless the Secretary finds that the state is satisfactorily developing such management program.

(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for

review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

Grants, allocation.

(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

80 Stat. 1262; 82 Stat. 208. 42 USC 3334.

Expiration date.

(h) The authority to make grants under this section shall expire on June 30, 1977.

ADMINISTRATIVE GRANTS

Limitation.

SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

Allocation.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

Program requirements.

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration

80 Stat. 1262; 82 Stat. 208. 42 USC 3334.

Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

80 Stat. 1262; 82 Stat. 208. 42 USC 3334.

(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the state under the program as amended.

Program modification.

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

Segmental development.

INTERAGENCY COORDINATION AND COOPERATION

SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such

Certification.

Notification.

certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

42 USC 4231.

(e) Nothing in this title shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program.

Ante, p. 816.

81 Stat. 485; 84 Stat. 1676.

42 USC 1857 note.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such pro-

gram, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

PUBLIC HEARINGS

SEC. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

Financial assistance, termination.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

RECORDS

SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

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 recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

ADVISORY COMMITTEE

Coastal Zone Management Advisory Committee, establishment; membership.

SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

Compensation, travel expenses.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their

homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

80 Stat. 499; 83 Stat. 190.

ESTUARINE SANCTUARIES

Grants.

SEC. 312. The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

Federal share.

ANNUAL REPORT

SEC. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

RULES AND REGULATIONS

80 Stat. 383.

SEC. 314. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 315. (a) There are authorized to be appropriated—

(1) the sum of $9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977 for grants under section 305, to remain available until expended;

(2) such sums, not to exceed $30,000,000, for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977, as may be necessary, for grants under section 306 to remain available until expended; and

(3) such sums, not to exceed $6,000,000 for the fiscal year ending June 30, 1974, as may be necessary, for grants under section 312, to remain available until expended.

(b) There are also authorized to be appropriated such sums, not to exceed $3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

Approved October 27, 1972.

Public Law 92-584

AN ACT

To amend section 301 of the Immigration and Nationality Act.

October 27, 1972
[H. R. 8273]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301(b) of the Immigration and Nationality Act (8 U.S.C. 1401) is amended to read as follows:

Immigration and Nationality Act, amendment.
66 Stat. 235.

"(b) Any person who is a national and citizen of the United States under paragraph (7) of subsection (a) shall lose his nationality and citizenship unless—(1) he shall come to the United States and be continuously physically present therein for a period of not less than two years between the ages of fourteen years and twenty-eight years; or (2) the alien parent is naturalized while the child is under the age of eighteen years and the child begins to reside permanently in the United States while under the age of eighteen years. In the administration of this subsection absences from the United States of less than sixty days in the aggregate during the period for which continuous physical presence in the United States is required shall not break the continuity of such physical presence."

Citizens born abroad, residence requirements.

SEC. 2. Section 16 of the Act of September 11, 1957, is hereby repealed.

Repeal.
71 Stat. 644.
8 USC 1401b.

SEC. 3. Section 301 of the Immigration and Nationality Act is amended by adding at the end thereof a new subsection (d) to read as follows:

"(d) Nothing contained in subsection (b), as amended, shall be construed to alter or affect the citizenship of any person who has come to the United States prior to the effective date of this subsection and who, whether before or after the effective date of this subsection, immediately following such coming complies or shall comply with the physical presence requirements for retention of citizenship specified in subsection (b) prior to its amendment and the repeal of section 16 of the Act of September 11, 1957."

Supra.

Approved October 27, 1972.

Public Law 92-585

October 27, 1972
[S. 3858]

AN ACT

To amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes.

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

Emergency Health Personnel Act Amendments of 1972.

SECTION 1. This Act may be cited as the "Emergency Health Personnel Act Amendments of 1972".

84 Stat. 1868; 85 Stat. 462.
42 USC 254b.

SEC. 2. (a) Section 329(a) of the Public Health Service Act is amended to read as follows:

National Health Service Corps, establishment.

"SEC. 329. (a) There is established, within the Service, the National Health Service Corps (hereinafter in this section referred to as the 'Corps') which shall consist of those officers of the Regular and Reserve Corps of the Service and such other personnel as the Secretary may designate and which shall be utilized by the Secretary to improve the delivery of health care and services to persons residing in areas which have critical health manpower shortages."

(b) Section 329(b) of such Act is amended to read as follows:

"(b)(1) The Secretary shall (A) designate those areas which he determines have critical health manpower shortages, (B) provide assistance to persons seeking assignment of Corps personnel to such designated areas to provide under this section health care and services for persons residing in such areas, and (C) conduct such information programs in such designated areas as may be necessary to inform the public and private health entities serving those areas of the assistance available under this section.

Personnel, assignment.

"(2)(A) The Secretary may assign personnel of the Corps to provide, under regulations prescribed by the Secretary, health care and services for persons residing in an area designated by the Secretary under paragraph (1) if—

"(i) the State health agency of each State in which such area is located or the local public health agency or any other public or nonprofit private health entity in such area requests such assignment, and

"(ii) the (I) local government of such area, and (II) the State and district medical, dental, or other appropriate health societies (as the case may be), certify to the Secretary that such assignment of Corps personnel is needed for such area.

If with respect to any proposed assignment of Corps personnel to an area the requirements of clauses (i) and (ii) of the preceding sentence are met except for the certification by the State and district medical, dental, or other appropriate health societies required by clause (ii) and if the Secretary finds from all the facts presented that such certification has clearly been arbitrarily and capriciously withheld, the Secretary may, after consultation with appropriate medical, dental, or other health societies, assign such personnel to such area. Corps personnel shall be assigned under this section on the basis of the extent of an area's need for health care and services and without regard to the ability of the residents of an area to pay for health care and services.

Facilities, utilization.

"(B) In providing health care and services under this section, Corps personnel shall utilize the techniques, facilities, and organizational forms most appropriate for the area and shall, to the maximum extent feasible, provide such care and services (i) to all persons in such area regardless of the ability of such persons to pay for the care and services, and (ii) in connection with (I) direct health care programs carried out by the Service; (II) any direct health care program carried out in whole or in part with Federal financial assistance; or (III) any

other health care activity which is in furtherance of the purposes of this section.

Charges.

"(C) Any person who receives health care or services provided under this section shall be charged for such care or service on a fee-for-service or other basis at a rate established by the Secretary, pursuant to regulations, to recover the reasonable cost of providing such care or service; except that if such person is determined under regulations of the Secretary to be unable to pay such charge, the Secretary shall provide for the furnishing of such care or service at a reduced rate or without charge. If a Federal agency, an agency of a State or local government, or other third party would be responsible for all or part of the cost of the care or service provided under this section if such care or service had not been provided under this section, the Secretary shall collect, 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. Any funds collected by the Secretary under this subparagraph shall be deposited in the Treasury as miscellaneous receipts and 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 made under such subsection to carry out this section."

Applicants, travel expenses. 84 Stat. 1868. 42 USC 254b.

(c) Section 329(c) of such Act is amended (1) by striking out "Service" and inserting in lieu thereof "Corps" and (2) by inserting at the end thereof the following: "The Secretary may reimburse applicants for positions in the Corps for actual expenses incurred in traveling to and from their place of residence to an area in which they would be assigned for the purpose of evaluating such area with regard to being assigned in such area. The Secretary shall not reimburse an applicant for more than one such trip."

(d) Section 329(d) of such Act is amended—

(1) by striking out "Service" in the first sentence and inserting in lieu thereof "Corps", and by inserting before the period at the end of such sentence the following: ", except that if such area is being served (as determined under regulations of the Secretary) by a hospital or other health care delivery facility of the Service, the Secretary shall, in addition to such other arrangements as the Secretary may make to insure the availability in such area of care and services by Corps personnel, arrange for the utilization of such hospital or facility by Corps personnel in providing care and services in such area but only to the extent that such utilization will not impair the delivery of care and treatment through such hospital or facility to persons who are entitled to care and treatment through such hospital or facility";

(2) by striking out "If there are no such facilities in such area" in the second sentence and inserting in lieu thereof "If there are no health facilities in or serving such area";

(3) by adding after the second sentence the following new sentence: "In providing such care and services, the Secretary may (A) make such arrangements as he determines are necessary for the use of equipment and supplies of the Service and for the lease or acquisition of other equipment and supplies, and (B) secure the temporary services of nurses and allied health professionals."; and

Recruiting programs.

(4) by inserting "(1)" after "(d)" and by adding at the end the following:

"(2) The Secretary shall conduct at medical and nursing schools and other schools of the health professions and training centers for the allied health professions, recruiting programs for the Corps. Such

programs shall include the wide dissemination of written information on the Corps and visits to such schools by personnel of the Corps."

84 Stat. 1868. 42 USC 254b.

(e) Section 329(f) of such Act is amended (1) by striking out "Service" in paragraphs (1) and (3) and inserting in lieu thereof "Corps", and (2) by striking out "to select commissioned officers of the Service and other personnel" in paragraph (2) and inserting in lieu thereof "to select personnel of the Corps".

(f) Subsection (g) of section 329 of such Act is redesignated as subsection (h) and the following new subsection is inserted after subsection (f) of such section:

Report to Congress.

"(g) The Secretary shall report to Congress no later than May 15 of each year—

"(1) the number of areas designated under subsection (b) in the calendar year preceding the year in which the report is made as having critical health manpower shortages and the number of areas which the Secretary estimates will be so designated in the calendar year in which the report is made;

"(2) the number and types of Corps personnel assigned in such preceding calendar year to areas designated under subsection (b), the number and types of additional Corps personnel which the Secretary estimates will be assigned to such areas in the calendar year in which the report is submitted, and the need (if any) for additional personnel for the Corps; and

"(3) the number of applications filed in such preceding calendar year for assignment of Corps personnel under this section and the action taken on each such application."

Appropriation.

(g) Subsection (h) of section 329 of such Act (as so redesignated by subsection (f) of this section) is amended by striking out "and" after "1972;" and by inserting immediately before the period at the end the following "; and $25,000,000 for the fiscal year ending June 30, 1974".

(h) Section 329 of such Act is amended by adding at the end thereof the following new subsection:

"State."

"(i) For purposes of this section, the term 'State' includes Guam, American Samoa, and the Trust Territory of the Pacific Islands."

Transfer of facilities, requirements.

SEC. 3. (a) The Secretary may not close or transfer control of a hospital or other health care delivery facility of the Public Health Service unless—

(1) he transmits to each House of Congress, on the same day and while each House is in session, a detailed explanation (meeting the requirements of subsection (b)) for the proposed closing or transfer, and

(2) a period of ninety calendar days of continuous session of Congress has elapsed after the date on which such explanation is transmitted.

For purposes of paragraph (2), continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

(b) Each explanation submitted under subsection (a) for closing or transferring control of a hospital or other health care delivery facility of the Public Health Service shall—

(1) contain (A) assurances that persons entitled to treatment and care at the hospital or other facility proposed to be closed or transferred and persons for whom care and treatment at such hospital or other facility is authorized will, after the proposed closing or transfer, continue to be provided equivalent care and treatment through such hospital or other facility or under a new

arrangement, and (B) an estimate of the cost of providing such care and treatment to such persons after the proposed closing or transfer; and

(2) the comments (if any) made by each—

(A) section 314(a) State health planning agency whose section 314(a) plan covers (in whole or in part) the area in which the hospital or other facility is located or which is served by the hospital or other facility, and

(B) section 314(b) area-wide health planning agency whose section 314(b) plan covers (in whole or in part) such area,

after the Secretary has provided each such agency a reasonable opportunity to review and comment on the proposed closing or transfer.

80 Stat. 1181; 84 Stat. 1304. 42 USC 246.

For purposes of paragraph (2), the term "section 314(a) State health planning agency" means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) (referred to in paragraph (2) as a "section 314(a) plan"), and the term "section 314(b) area-wide health planning agency" means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b) (referred to in paragraph (2) as a "section 314(b) plan").

Definitions.

SEC. 4. Section 741(f)(1)(C) of the Public Health Service Act is amended by striking out "agreement with the Secretary to practice his profession for a period of at least two years in an area in a State determined by the Secretary" and inserting in lieu thereof "agreement with the Secretary to practice his profession (as a member of the National Health Service Corps or otherwise) for a period of at least two years in an area in a State designated under section 329(b) or otherwise determined by the Secretary".

85 Stat. 449. 42 USC 294a.

Ante, p. 1290.

SEC. 5. Title II of the Public Health Service Act is amended by adding after section 224 the following new section:

58 Stat. 683; 81 Stat. 539; 84 Stat. 1870. 42 USC 202.

"PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP TRAINING PROGRAM

"SEC. 225. (a) The Secretary shall establish the Public Health and National Health Service Corps Scholarship Training Program (hereinafter in this section referred to as the 'Program') to obtain trained physicians, dentists, nurses, and other health-related specialists for the National Health Service Corps and other units of the Service.

Establishment.

"(b) To be eligible for acceptance and continued participation in the Program, each applicant must—

Acceptance and participation, requirements.

"(1) be accepted for enrollment, or be enrolled, as a full-time student in an accredited (as determined by the Secretary) educational institution in the United States, or its territories or possessions;

"(2) pursue an approved course of study, and maintain an acceptable level of academic standing, leading to a degree in medicine, dentistry, or other health-related specialty, as determined by the Secretary;

"(3) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be selected for civilian service in the National Health Service Corps; and

"(4) agree in writing to serve, as prescribed by subsection (e) of this section, in the Commissioned Corps of the Service or as a civilian member of the National Health Service Corps.

Payments.

"(c) Each participant in the Program will be authorized a scholarship for each approved academic year of training, not to exceed four years, in an amount prescribed by the Secretary and payable in monthly installments. The scholarship shall not exceed an amount equal to the basic pay and allowances of a commissioned officer on active duty in pay grade O–1 with less than two years of service, plus an amount to cover the reasonable cost of books, supplies, equipment, student medical expenses, and other necessary educational expenses which are not otherwise paid as a part of the basic tuition payment.

37 USC 203 note.

Contract authority.

"(d) The Secretary may contract with an accredited educational institution for the payment of tuition and other education expenses, not otherwise covered under subsection (c) of this section, for persons participating in the Program. If necessary, persons participating in the Program may be reimbursed for the actual cost of tuition and other educational expenses authorized in this subsection, in lieu of a contract with the educational institution.

Obligations.

"(e) A person participating in the Program shall be obligated to serve on active duty as a commissioned officer in the Service or as a civilian member of the National Health Service Corps following completion of academic training, for a period of time prescribed by the Secretary which will not be less than one year of service on active duty for each academic year of training received under the Program. At least one-half of the period of service required by the preceding sentence must be spent providing health care and services (1) in an area designated under section 329(b), (2) as a member of the Indian Health Service or the Federal Health Programs Service and in an area (determined under section 329 or otherwise) to have a health manpower shortage, or (3) in connection with any program, designated by the Secretary, for the provision of health care and services in such an area. For persons receiving a degree from a school of medicine, osteopathy, or dentistry, the commencement of a period of obligated service can be deferred for the period of time required to complete internship and residency training. For persons receiving degrees in other health professions the obligated service period will commence upon completion of their academic training. Periods of internship or residency shall not be creditable in satisfying an active duty service obligation under this subsection unless the internship or residency is served in a facility of the Service or other facility of the National Health Service Corps.

Ante, p. 1290.

Liability.

"(f)(1) If, for any reason, a person fails to complete an active duty service obligation under this section, he shall be liable for the payment of an amount equal to the cost of tuition and other education expenses, and scholarship payments, paid under this section, plus interest at the maximum legal prevailing rate. Any amount which the United States is entitled to recover under this paragraph shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States.

"(2) When a person undergoing training in the Program is academically dismissed or voluntarily terminates academic training, he shall be liable for repayment to the Government for an amount equal to the cost of tuition and other educational expenses paid to or for him from Federal funds plus any scholarship payments which he received under the program.

Waiver.

"(3) The Secretary shall by regulation provide for the waiver or suspension of any obligation under paragraph (1) or (2) applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(g) Notwithstanding any other provision of law, persons undergoing academic training under the Program shall not be counted against any employment ceiling affecting the Department of Health, Education, and Welfare. Employment ceiling, exception.

"(h) The Secretary shall issue regulations governing the implementation of this section. Regulations.

"(i) To carry out the Program, there is authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1974." Appropriation.

Approved October 27, 1972.

Public Law 92-586

AN ACT

October 27, 1972
[H. R. 7093]

To provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma.

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 is authorized and directed to distribute per capita to all persons whose names appear on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior April 11, 1908, pursuant to the Act of June 28, 1906 (34 Stat. 539), all funds which were appropriated by the Act of January 8, 1971 (84 Stat. 1981), in satisfaction of a judgment that was obtained by the Osage Nation of Indians in the Indian Claims Commission against the United States in dockets numbered 105, 106, 107, and 108, together with interest thereon, except the sum of $1,000,000 and any funds that revert to the Osage Tribe and except the amount allowed for attorney fees and expenses and the cost of distribution. Indians. Osage Tribe, Okla. Judgment funds, disposition.

(b) The sum of $1,000,000 plus any funds that revert to the Osage Tribe may be advanced, expended, invested, or reinvested for the purpose of financing an education program or other socioeconomic programs of benefit to the Osage Tribe of Indians of Oklahoma, such programs to be administered as authorized by the Secretary of the Interior. Education program.

(c) The Secretary of the Interior may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act. Fund withdrawals.

SEC. 2. (a) Except as provided in subsections (b) and (c) of this section, a share or proportional share payable to a living original Osage allottee shall be paid to such allottee. Distribution.

(b) A share of a deceased Osage allottee having died prior to or after the passage of this Act shall be distributed to his heirs of Osage Indian blood pursuant to an order determining heirs by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, and such distributions by the Secretary of the Interior shall be final and conclusive. In the event the heirs of Osage Indian blood of an Osage Indian having died prior to or after the passage of this Act have not been determined by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, such share shall be distributed to the heirs of Osage Indian blood upon the filing of proof of death and inheritance in accordance with the Oklahoma law of intestate succession in a form satisfactory to the Secretary of the Interior whose findings and determinations upon such proof shall be final and conclusive: *Provided*, That when a person of Osage Indian blood receives an amount totaling less than $20 from one or more shares of one or more Osage allottees, that amount shall not be distributed to the individual, but will revert to the Osage Tribe. Exception.

Minors.

(c) A share or proportional share payable to a person of Osage Indian blood under eighteen years of age and any person under guardianship pursuant to an order of a court of competent jurisdiction notwithstanding the fact he has received a certificate of competency shall be disbursed under rules and regulations to be prescribed by the Secretary of the Interior.

Regulations.

Per capita shares.

SEC. 3. All claims for per capita shares by heirs of Osage Indian blood shall be filed with the Superintendent, Osage Agency, Pawhuska, Oklahoma, not later than eighteen months from the date of approval of this Act. Thereafter, all claims and the right to file same shall be forever barred and the unclaimed shares shall revert to the Osage Tribe. Unclaimed shares of distributees shall revert to the Osage Tribe six months after determination by the Secretary of the Interior of their right to share.

Unclaimed shares.

Tax exemption.

SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

Regulations.

SEC. 5. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved October 27, 1972.

Public Law 92-587

October 27, 1972
[H. R. 4678]

AN ACT

To provide for the free entry of a carillon for the use of the University of California at Santa Barbara, and for other purposes.

Imports.
U. of Calif., carillon; caprolactam monomer; pre-Columbian art.

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 admit free of duty a carillon imported June, 1969, for the use of the University of California at Santa Barbara.

SEC. 2. If the liquidation of the entry of the article described in the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

77A Stat. 431; 84 Stat. 411.

SEC. 3. (a) 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 907.45 the following new item:

"	907.50	Caprolactam monomer in water solution (provided for in item 403.70, part 1B, schedule 4)	Free	No change	On or before December 31, 1972. ."

Effective date.

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

(c) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after August 15, 1972, 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 subsection (a) 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.

84 Stat. 284.
19 USC 1514.

TITLE II—REGULATION OF IMPORTATION OF PRE-COLUMBIAN MONUMENTAL OR ARCHITECTURAL SCULPTURE OR MURALS

List, promulgation.

SEC. 201. The Secretary, after consultation with the Secretary of State, by regulation shall promulgate, and thereafter when appropriate shall revise, a list of stone carvings and wall art which are pre-Columbian monumental or architectural sculpture or murals within the meaning of paragraph (3) of section 205. Such stone carvings and wall art may be listed by type or other classification deemed appropriate by the Secretary.

Certificate from country of origin.

SEC. 202. (a) No pre-Columbian monumental or architectural sculpture or mural which is exported (whether or not such exportation is to the United States) from the country of origin after the effective date of the regulation listing such sculpture or mural pursuant to section 202 may be imported into the United States unless the government of the country of origin of such sculpture or mural issues a certificate, in a form acceptable to the Secretary, which certifies that such exportation was not in violation of the laws of that country.

(b) If the consignee of any pre-Columbian monumental or architectural sculpture or mural is unable to present to the customs officer concerned at the time of making entry of such sculpture or mural—

(1) the certificate of the government of the country of origin required under subsection (a) of this section;

(2) satisfactory evidence that such sculpture or mural was exported from the country of origin on or before the effective date of the regulation listing such sculpture or mural pursuant to section 202; or

(3) satisfactory evidence that such sculpture or mural is not covered by the list promulgated under section 202;

the customs officer concerned shall take the sculpture or mural into customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until such certificate or evidence is filed with such officer. If such certificate or evidence is not presented within the 90-day period after the date on which such sculpture or mural is taken into customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the importation of such sculpture or mural into the United States is in violation of this title.

Forfeiture.

SEC. 203. (a) Any pre-Columbian monumental or architectural sculpture or mural imported into the United States in violation of this title shall be seized and subject to forfeiture under the customs laws.

(b) Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall—

(1) first be offered for return to the country of origin and shall be returned if that country bears all expenses incurred incident to such return and complies with such other requirements relating to the return as the Secretary shall prescribe; or

(2) if not returned to the country of origin, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

Rules and regulations.

SEC. 204. The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this title.

Definitions.

SEC. 205. For the purposes of this title—

(1) The term "Secretary" means the Secretary of the Treasury.

(2) The term "United States" includes the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) The term "pre-Columbian monumental or architectural sculpture or mural" means—

(A) any stone carving or wall art which—

(i) is the product of a pre-Columbian Indian culture of Mexico, Central America, South America, or the Caribbean Islands;

(ii) was an immobile monument or architectural structure or was a part of, or affixed to, any such monument or structure; and

(iii) is subject to export control by the country of origin; or

(B) any fragment or part of any stone carving or wall art described in subparagraph (A) of this paragraph.

(4) The term "country of origin", as applied to any pre-Columbian monumental or architectural sculpture or mural, means the country where such sculpture or mural was first discovered.

Approved October 27, 1972.

Public Law 92-588

October 27, 1972
[H. J. Res. 912]

JOINT RESOLUTION

Granting the consent of Congress to an agreement between the States of North Carolina and Virginia establishing their lateral seaward boundary.

Whereas, by virtue of the provisions of chapter 452 of the Acts of Assembly of 1971 of the General Assembly of North Carolina, amending chapter 141 of the General Statutes of North Carolina by adding thereto a new section designated as G.S. 141–8, and by virtue of the provisions of chapter 343 of the Acts of Assembly of 1970 of the General Assembly of Virginia, amending title 7.1 of the Code of Virginia by adding thereto a new section designated as 7.1–4.1, the States of North Carolina and Virginia have agreed to their mutual lateral seaward boundary; and

Whereas, by the aforesaid Acts, the Legislatures of North Carolina and Virginia both established and described said boundary in substance as follows: Beginning at the intersection of the low water mark of the Atlantic Ocean and the existing North Carolina-Virginia boundary line; thence due east on a true ninety-degree bearing to the seaward jurisdictional limits of North Carolina and Virginia, respectively; such boundary line to be extended on the true ninety-degree bearing as far as a need for further delimitation may arise: Now, therefore, be it

N.C.-Va. seaward boundary agreement.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress is hereby granted to said boundary agreement, and to each and every part thereof, and the aforesaid Acts of the States of North Carolina and Virginia are hereby approved, subject to the understanding that within the agreement the phrase "true ninety-degree bearing" means "line of constant latitude."

"True ninety-degree bearing."

Boundary marker, appropriation.

SEC. 2. The Secretary of Commerce is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the seaward boundary between the States of North Carolina and Virginia, and so much of the interior boundary as is considered necessary for this purpose by the Secretary, and the necessary appropriations for this work are hereby authorized.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Approved October 27, 1972.

Public Law 92-589

AN ACT

October 27, 1972
[H. R. 16444]

To establish the Golden Gate National Recreation Area in the State of California, and for other purposes.

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

Golden Gate National Recreation Area, Calif.

ESTABLISHMENT

SECTION 1. In order to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning, the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area") is hereby established. In the management of the recreation area, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management. In carrying out the provisions of this Act, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.

COMPOSITION AND BOUNDARIES

SEC. 2. (a) The recreation area shall comprise the lands, waters, and submerged lands generally depicted on the map entitled "Boundary Map, Golden Gate National Recreation Area", numbered NRA–GG–80,003A, sheets 1 through 3, and dated July, 1972.

(b) The map referred to in this section shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate (hereinafter referred to as the "committees") in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

Boundary revisions, notification of congressional committees.

Publication in Federal Register.

ACQUISITION POLICY

SEC. 3. (a) Within the boundaries of the recreation area, the Secretary may acquire lands, improvements, waters, or interests therein, by donation, purchase, exchange or transfer. Any lands, or interests therein, owned by the State of California or any political subdivision thereof, may be acquired only by donation. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended: *Provided*, That no disposal shall be for less than fair market value. Except as hereinafter provided, Federal property within

Ante, p. 503.
40 USC 471 note.

the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this Act, subject to the continuation of such existing uses as may be agreed upon between the Secretary and the head of the agency formerly having jurisdiction over the property. Notwithstanding any other provision of law, the Secretary may develop and administer for the purposes of this Act structures or other improvements and facilities on lands for which he receives a permit of use and occupancy from the Secretary of the Army.

Facilities and improvements.

Forts Cronkhite, Barry, and Baker, transfer of jurisdiction.

(b) Fort Cronkhite, Fort Barry, and the westerly one-half of Fort Baker, in Marin County, California, as depicted on the map entitled "Golden Gate Military Properties" numbered NRAGG–20,002 and dated January 1972, which shall be on file and available for public inspection in the offices of the National Park Service, are hereby transferred to the jurisdiction of the Secretary for purposes of this Act, subject to continued use and occupancy by the Secretary of the Army of those lands needed for existing air defense missions, reserve activities and family housing, until he determines that such requirements no longer exist. The Coast Guard Radio Receiver Station, shall remain under the jurisdiction of the Secretary of the Department in which the Coast Guard is operating. When this station is determined to be excess to the needs of the Coast Guard, it shall be transferred to the jurisdiction of the Secretary for purposes of this Act.

Horseshoe Bay, access via Fort Baker.

(c) The easterly one-half of Fort Baker in Marin County, California, shall remain under the jurisdiction of the Department of the Army. When this property is determined by the Department of Defense to be excess to its needs, it shall be transferred to the jurisdiction of the Secretary for purposes of this Act. The Secretary of the Army shall grant to the Secretary reasonable public access through such property to Horseshoe Bay, together with the right to construct and maintain such public service facilities as are necessary for the purposes of this Act. The precise facilities and location thereof shall be determined between the Secretary and the Secretary of the Army.

Baker Beach, right of occupancy.

(d) Upon enactment, the Secretary of the Army shall grant to the Secretary the irrevocable use and occupancy of one hundred acres of the Baker Beach area of the Presidio of San Francisco, as depicted on the map referred to in subsection (b).

Crissy Army Airfield, right of occupancy.

(e) The Secretary of the Army shall grant to the Secretary within a reasonable time, the irrevocable use and occupancy of forty-five acres of the Crissy Army Airfield of the Presidio, as depicted on the map referred to in subsection (b).

Fort Point Coast Guard Station, continued-use permit.

(f) When all or any substantial portion of the remainder of the Presidio is determined by the Department of Defense to be excess to its needs, such lands shall be transferred to the jurisdiction of the Secretary for purposes of this Act. The Secretary shall grant a permit for continued use and occupancy for that portion of said Fort Point Coast Guard Station necessary for activities of the Coast Guard.

Point Bonita, Point Diablo, and Lime Point, transfer of jurisdiction.

Navigation aids, access.

(g) Point Bonita, Point Diablo, and Lime Point shall remain under the jurisdiction of the Secretary of the Department in which the Coast Guard is operating. When this property is determined to be excess to the needs of the Coast Guard, it shall be transferred to the jurisdiction of the Secretary for purposes of this Act. The Coast Guard may continue to maintain and operate existing navigational aids: *Provided*, That access to such navigational aids and the installation of necessary new navigational aids within the recreation area shall be undertaken in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Department in which the Coast Guard is operating and which are consistent with both the purposes of this Act and the purpose of existing

statutes dealing with establishment, maintenance, and operation of navigational aids.

Fort Miley, transfer of jurisdiction.

(h) That portion of Fort Miley comprising approximately one and seven-tenths acres of land presently used and required by the Secretary of the Navy for its inshore, underseas warfare installations shall remain under the administrative jurisdiction of the Department of the Navy until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act.

New construction, limitation.

(i) New construction and development within the recreation area on property remaining under the administrative jurisdiction of the Department of the Army and not subject to the provisions of subsection (d) or (e) hereof shall be limited to that which is required to accommodate facilities being relocated from property being transferred under this Act to the administrative jurisdiction of the Secretary or which is directly related to the essential missions of the Sixth United States Army: *Provided, however*, That any construction on presently undeveloped open space may be undertaken only after prior consultation with the Secretary. The foregoing limitation on construction and development shall not apply to expansion of those facilities known as Letterman General Hospital or the Western Medical Institute of Research.

Exceptions.

Property owners, retention rights.

(j) The owner of improved property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

"Improved property."

(k) The term "improved property", as used in subsection (j), means a detached, noncommercial residential dwelling, the construction of which was begun before June 1, 1971, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(l) Whenever an owner of property elects to retain a right of use and occupancy as provided for in the Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

42 USC 4623-4626.

42 USC 4601.

Contract authority.

(m) Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this Act as was

given the Secretary of the Treasury for other land acquisitions by section 34 of the Act of May 30, 1908, relating to purchase of sites for public buildings (35 Stat. 545), and the Secretary and the owner of land to be acquired under this Act may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments. Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of the Act of July 27, 1956 (70 Stat. 624) and sections 2414 and 2517 of title 28, United States Code.

40 USC 261. Installment payments; interest rate.

70 Stat. 694; 84 Stat. 782. 31 USC 724a. 75 Stat. 415; 62 Stat. 979.

ADMINISTRATION

SEC. 4. (a) The Secretary shall administer the lands, waters and interests therein acquired for the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. Notwithstanding their inclusion within the boundaries of the recreation area, the Muir Woods National Monument and Fort Point National Historic Site shall continue to be administered as distinct and identifiable units of the national park system in accordance with the laws applicable to such monument and historic site.

Police and fire protection, cooperative agreements.

(b) The Secretary may enter into cooperative agreements with any Federal agency, the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement and fire preventive assistance.

Water resource developments.

(c) The authority of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related resource development.

Transportation system, study.

(d) The Secretary, in cooperation with the State of California and affected political subdivisions thereof, local and regional transit agencies, and the Secretaries of Transportation and of the Army, shall make a study for a coordinated public and private transportation system to and within the recreation area and other units of the national park system in Marin and San Francisco Counties.

ADVISORY COMMISSION

Establishment; membership.

SEC. 5. (a) There is hereby established the Golden Gate National Recreation Area Advisory Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of fifteen members appointed by the Secretary for terms of three years each.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Commission on general policies and specific matters related to planning, administration and development affecting the recreation area and other units of the national park system in Marin and San Francisco Counties.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) The Commission shall cease to exist ten years after the enactment of this Act. Termination date.

APPROPRIATION LIMITATION

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $61,610,000 shall be appropriated for the acquisition of lands and interests in lands. There are authorized to be appropriated not more than $58,000,000 (May 1971 prices) for the development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Approved October 27, 1972.

Public Law 92-590

AN ACT

October 27, 1972
[S. 3524]

To extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b(a)), as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969, and for the three" to "for the fiscal year beginning July 1, 1973, and for the four". Commercial Fisheries Research and Development Act of 1964, amendment. 78 Stat. 197; 82 Stat. 957.

SEC. 2. Section 4(c) of the Commercial Fisheries Research and Development Act of 1964, as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969," to "for the fiscal year beginning July 1, 1973,".

SEC. 3. Section 4(b) of the Commercial Fisheries Research and Development Act of 1964, as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years, $650,000 in each year," to "for the fiscal year beginning July 1, 1973, and for the four succeeding fiscal years, $1,500,000 in each such year,".

SEC. 4. The provisions of this Act shall be effective July 1, 1973. Effective date.

Approved October 27, 1972.

Public Law 92-591

October 27, 1972
[S. 3843]

AN ACT

To authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972.

Emergency Rail Facilities Restoration Act.

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 Rail Facilities Restoration Act".

DEFINITIONS

SEC. 2 For the purpose of this Act—

(a) "Secretary" means the Secretary of Transportation.

(b) "Railroad" means any common carrier by railroad subject to part I of the Interstate Commerce Act (49 U.S.C. 1–27).

24 Stat. 379; 84 Stat. 1499.

(c) "Net income" means ordinary income reported to the Interstate Commerce Commission pursuant to the relevant railroad annual report form, adjusted for extraordinary items of a nonrecurring nature and directly related to railroad operations.

AUTHORIZATION

Loans.

SEC. 3. The Secretary is authorized to make loans, upon such terms and conditions as are specified by this Act and any others he deems

Limitation.

appropriate, in an aggregate amount not to exceed $48,000,000 to railroads undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), to railroads which have

47 Stat. 1474; 76 Stat. 572.

reported to the Interstate Commerce Commission in the railroad annual report a deficit net income for either of the last two calendar years, and to railroads whose certified damage to railroad facilities or equipment as a result of the natural disasters which occurred during the month of June 1972 exceeds their net income for either of the last two calendar years for the purpose of restoring or replacing railroad facilities, equipment, or services which are determined to be essential to public service (including, without limitation, bridges, track, track structures, signal and communication systems, and rolling stock) damaged or destroyed as a result of the natural disasters which occurred during the month of June 1972. There are authorized to be appropriated to the Secretary to remain available through June 30, 1975, such sums as are necessary to carry out the purposes of this Act.

Appropriation.

TERMS AND CONDITIONS

SEC. 4. (a) Prior to making a loan under this Act the Secretary shall—

(1) find in writing that there is no other practicable means of obtaining funds from either private or government sources than a loan pursuant to this Act;

(2) require that application be made by a railroad in such form and substance as the Secretary shall prescribe;

(3) require satisfactory proof in writing of costs incurred or to be incurred in the restoration or replacement of essential railroad facilities, equipment, or services;

(4) take appropriate action to insure that funds loaned under this Act are used solely for the purpose of restoring or replacing facilities and equipment (including the upgrading of such facilities and equipment) damaged or destroyed as a result of the natural disasters of June 1972;

(5) obtain satisfactory assurances from the applicant railroad that the restoration or replacement to be accomplished with funds made available under the loan shall be completed without undue delay;

(6) require as a condition of the loan that the United States obtain such security as the Secretary deems will adequately protect the interests of the United States except that, in the case of a railroad undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), if the Secretary expressly determines in writing that the railroad does not have sufficient working capital to fund the restoring or replacing of essential railroad facilities, equipment, or services, he may, notwithstanding section 3466 of the Revised Statutes (31 U.S.C. 191) or any other law, require any priority or subordination of the interests of the United States he deems to be appropriate in relation to the claims of any other creditors of the railroad or its trustees, so long as such position is not lower than that of a prebankruptcy unsecured creditor of the railroad; and 47 Stat. 1474; 76 Stat. 572.

(7) require that no part of the restoration or replacement work to be financed by the loan program hereunder which is presently or should be performed under collective bargaining agreements by railroad employees shall be subcontracted by the railroad; except that to the extent that the Secretary finds in writing that railroad employees, including employees on furlough, in the affected region are insufficient to perform such restoration or replacement work and that such railroad employees on furlough, if not recalled by the railroad will be employed by a subcontractor to perform such work in which event such employees shall be deemed to be railroad employees retaining all the rights and privileges of railroad employees while so employed.

(8) None of the foregoing conditions shall apply to such work undertaken prior to the enactment of this Act.

(b) No loan application shall be approved under this Act after eight months have elapsed from its date of enactment.

(c) (1) The Secretary in reviewing applications for loans shall examine such applications to determine whether any service or facility which is essential to the public interest in maintaining transportation service, including specifically the Sunbury-Wilkes-Barre (Buttonwood) line, will not be restored or replaced. In making such determination the Secretary shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system. Restoration or replacement.

(2) If after such determination the Secretary finds that any such service or facility of the applicant railroad will not be restored or replaced, the Secretary shall not approve such application unless and until such application is amended to include such restoration and replacement.

(3) As an aid to the formulation of public policy regarding rail transportation, the Secretary shall prepare and keep current a comprehensive schedule setting forth transportation facilities and services that he believes should be provided by railroads in the northeastern region of the United States. In formulating such a schedule the Secretary shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system.

(4) The Secretary shall provide as a condition of the loan that, in consideration of the relief provided by this Act, the railroad shall offer to convey to the State, for just compensation, or in the event any such railroad is subject to a proceeding under the bankruptcy laws, the court having jurisdiction in such bankruptcy proceedings shall direct the trustee or trustees or the debtor to offer to convey to the State, for just compensation, all of its right, title, and interest free and clear of all encumbrances, in any right-of-way, track, and other related real and personal property on any branch line within such State which has been damaged or destroyed as a result of the natural disasters of June 1972; which have not been scheduled for restoration or replacement under the loan program as approved by the Secretary; and which such State, or subdivision thereof, proposes to restore or replace.

STATE AND LOCAL AUTHORITY

SEC. 5. (a) The Secretary is authorized to make loans pursuant to this section to assist regional, State, and local public bodies and agencies thereof in financing the restoration and replacement of railroad facilities and equipment damaged or destroyed as a result of the natural disasters of June 1972. Eligible facilities and equipment may include railroad right-of-way, track, rolling stock, and other real and personal property needed for an efficient and coordinated railroad transportation system and conveyed in accordance with the provisions of section 4(c)(3).

(b) No such loan shall be provided unless the Secretary determines that the applicant has or will have—

(1) demonstrated a valid need for the establishment or reestablishment of railroad service in the affected area; and

(2) the technical capability to carry out the proposed project.

Limitation.

(c) Any such loan may be made for not to exceed 80 per centum of the total costs of the proposed project and shall be subject to such other terms and conditions as the Secretary may determine are necessary to carry out the purposes of this section.

Appropriation.

(d) There is authorized to be appropriated not to exceed $10,000,000 to carry out the provisions of this section. Sums so appropriated shall remain available through June 30, 1975.

(e) The Secretary shall impose as a condition of any such loan under this section such fair and equitable labor protective arrangements as are described in the Rail Passenger Service Act of 1970, as amended (45 U.S.C. 565).

Ante, p. 230.

LINE ABANDONMENT

SEC. 6. (a) Except as provided in subsection (b) of this section, and except for the conveyance of facilities pursuant to subsection 4(c)(3), all abandonment of facilities and services shall continue to be subject to the appropriate provisions of the Interstate Commerce Act.

24 Stat. 379.
49 USC prec. 1 note.

(b) The damage or destruction caused by the natural disasters of June 1972 to any railroad facility, equipment, or service therefrom, of a railroad obtaining assistance under this Act, or any action taken pursuant to this Act affecting any railroad, shall not be evidence in any proceeding before any Federal agency or in any court in which line abandonment is an issue. Any violation of this section shall be deemed to be prejudicial.

INTEREST RATES

SEC. 7. Any loan made under this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this Act bear interest at a rate in excess of 6 per centum per annum.

DEFERRAL OF PAYMENT

SEC. 8. Whenever he determines it necessary to insure the provision of essential transportation services of a railroad, the Secretary may in his discretion provide in the terms and conditions of a loan under this Act for deferral of the payment of principal and interest on the loan for a period not to exceed ten years from the date the loan is made.

RULES AND REGULATIONS

SEC. 9. The Secretary shall issue such rules and regulations as are appropriate to carry out the purposes of this Act.

ENFORCEMENT

SEC. 10. The Secretary shall insure that railroads which obtain loans under this Act comply with the provisions of this Act and any rules, regulations, or conditions imposed by the Secretary pursuant to this Act. In the event of any failure to comply with such provisions, rules, regulations, or conditions, the Secretary may take such enforcement action as he deems appropriate including a declaration that the obligation of applicant railroads is immediately due and payable as a claim of the United States without regard to any other provision of the loan or of this Act.

REPORTS

SEC. 11. The Secretary shall, within one year after enactment of this Act, report to the President and to the Congress with respect to his activities pursuant to this Act, including an evaluation of the financial conditions of railroads which obtained loans under this Act and including an evaluation of the impact of this Act on the condition of the rail facilities and services described in the schedule prepared under subsection 4(c)(1) of this Act. Such report shall also include recommendations, if any, for additional legislation action.

AUDIT

SEC. 12. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access to such information, books, records, and documents as he determines necessary to effectively audit financial transactions and operations carried out by the Secretary in the administration of this Act. The Comptroller General shall make such reports to the Congress on the results of any such audits as are appropriate.

Reports to Congress.

INTERSTATE COMMERCE COMMISSION APPROVAL

SEC. 13. A railroad qualifying for a loan or loans under the provisions of this Act shall not be required to comply with the provisions of section 20a of the Interstate Commerce Act (49 U.S.C. 20a) with respect to such loan or loans.

41 Stat. 494; 79 Stat. 263.

Approved October 27, 1972.

Public Law 92-592

October 27, 1972
[S. 1852]

AN ACT

To establish the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes.

Gateway National Recreation Area, N.Y.-N.J. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Gateway National Recreation Area (hereinafter referred to as the "recreation area") is hereby established.

(a) The recreation area shall comprise the following lands, waters, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map, Gateway National Recreation Area," numbered 951–40017 sheets 1 through 3 and dated May, 1972:

(1) Jamaica Bay Unit—including all islands, marshes, hassocks, submerged lands, and waters in Jamaica Bay, Floyd Bennett Field, the lands generally located between highway route 27A and Jamaica Bay, and the area of Jamaica Bay up to the shoreline of John F. Kennedy International Airport;

(2) Breezy Point Unit—the entire area between the eastern boundary of Jacob Riis Park and the westernmost point of the peninsula;

(3) Sandy Hook Unit—the entire area between Highway 36 Bridge and the northernmost point of the peninsula;

(4) Staten Island Unit—including Great Kills Park, Miller Field (except for approximately 26 acres which are to be made available for public school purposes), Fort Wadsworth, and the waterfront lands located between the streets designated as Cedar Grove Avenue, Seaside Boulevard, and Drury Avenue and the bay from Great Kills to Fort Wadsworth;

(5) Hoffman and Swinburne Islands; and

(6) All submerged lands, islands, and waters within one-fourth of a mile of the mean low water line of any waterfront area included above.

Boundary revisions, publication in Federal Register.

(b) The map referred to in this section shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

Lands, waters, acquisition.

SEC. 2. (a) Within the boundaries of the recreation area, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the States of New York or New Jersey or any political subdivisions thereof may be acquired only by donation.

Federal property transfer.

(b) With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreation area may be transferred, without consideration, to the administrative jurisdiction of the Secretary for administration as a part of the recreation area.

Breezy Point Unit.

(c) Within the Breezy Point Unit, (1) the Secretary shall acquire an adequate interest in the area depicted on the map referred to in section 1 of this Act to assure the public use of and access to the entire beach. The Secretary may enter into an agreement with any property owner or owners to assure the continued maintenance and use of all remaining lands in private ownership as a residential community composed of single-family dwellings. Any such agreement shall be irrevocable, unless terminated by mutual agreement, and shall specify, among other things:

(A) that the Secretary may designate, establish and maintain a buffer zone on Federal lands separating the public use area and the private community;

(B) that all construction commencing within the community, including the conversion of dwellings from seasonal to year-round residences, shall comply with standards to be established by the Secretary;

(C) that additional commercial establishments shall be permitted only with the express prior approval of the Secretary or his designee.

(2) If a valid, enforceable agreement is executed pursuant to paragraph (1) of this subsection, the authority of the Secretary to acquire any interest in the property subject to the agreement, except for the beach property, shall be suspended.

Rockaway, parking lot, conveyance.

(3) The Secretary is authorized to accept by donation from the city of New York any right, title, or interest which it holds in the parking lot at Rockaway which is part of the Marine Bridge project at Riis Park. Nothing herein shall be deemed to authorize the United States to extinguish any present or future encumbrance or to authorize the State of New York or any political subdivision or agency thereof to further encumber any interest in the property so conveyed.

Jamaica Bay Unit.

(d) Within the Jamaica Bay Unit, (1) the Secretary may accept title to lands donated by the city of New York subject to a retained right to continue existing uses for a specifically limited period of time if such uses conform to plans agreed to by the Secretary, and (2) the Secretary may accept title to the area known as Broad Channel Community only if, within five years after the date of enactment of this Act, all improvements have been removed from the area and a clear title to the area is tendered to the United States.

Broad Channel Community.

Administration.

SEC. 3. (a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented. In the administration of the recreation area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act: *Provided*, That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose.

William Fitts Ryan Visitor Center, designation.

(b) The Secretary shall designate the principal visitor center constructed within the recreation area as the "William Fitts Ryan Visitor Center" in commemoration of the leadership and contributions which Representative William Fitts Ryan made with respect to the creation and establishment of this public recreation area.

Federal-State cooperative agreements.

(c) The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

Water resource developments.

(d) The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements (including the deepening of the shipping channel from the Atlantic Ocean to the New York harbor) on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

Airway facilities, maintenance, operation, and installation.

(e) The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided*, That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

Hunting, fishing, and trapping.

(f) The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

Sandy Hook and Staten Island Units.

(g) In the Sandy Hook and Staten Island Units, the Secretary shall inventory and evaluate all sites and structures having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

Donations.

(h) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds from individuals, foundations, or corporations for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

Gateway National Recreation Area Advisory Commission, establishment; termination.

SEC. 4. (a) There is hereby established a Gateway National Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years after the date of the establishment of the recreation area.

Membership.

(b) The Commission shall be composed of eleven members each appointed for a term of two years by the Secretary as follows:

(1) two members to be appointed from recommendations made by the Governor of the State of New York;

(2) two members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) two members to be appointed from recommendations made by the mayor of New York City;

(4) two members to be appointed from recommendations made by the mayor of Newark, New Jersey; and

(5) three members to be appointed by the Secretary to represent the general public.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. Chairman.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibility under this Act upon vouchers signed by the Chairman. Expenses.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the recreation area.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $12,125,000 for the acquisition of lands and interests in lands and not more than $92,813,000 (July, 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Appropriation.

Approved October 27, 1972.

Public Law 92-593

AN ACT

To establish the Glen Canyon National Recreation Area in the States of Arizona and Utah.

October 27, 1972
[S. 27]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the States of Arizona and Utah and to preserve scenic, scientific, and historic features contributing to public enjoyment of the area, there is established the Glen Canyon National Recreation Area (hereafter referred to as the "recreation area") to comprise the area generally depicted on the drawing entitled "Boundary Map Glen Canyon National Recreation Area," numbered GLC–91,006 and dated August 1972, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior. The Secretary of the Interior (hereafter referred to as the "Secretary") may revise the boundaries of the recreation area from time to time by publication in the Federal Register of a revised drawing or other boundary description, but the total acreage of the national recreation area may not exceed one million two hundred and thirty-six thousand eight hundred and eighty acres. Glen Canyon National Recreation Area, Ariz.-Utah. Establishment. Publication in Federal Register.

SEC. 2. (a) Within the boundaries of the recreation area, the Secretary may acquire lands and interests in lands by donation, purchase, or exchange. Any lands owned by the States of Utah or Arizona, or any State, political subdivisions thereof, may be acquired only by donation or exchange. No lands held in trust for any Indian tribe may be acquired except with the concurrence of the tribal council. Land acquisition.

(b) Nothing in this Act shall be construed to affect the mineral rights reserved to the Navajo Indian Tribe under section 2 of the Act of September 2, 1958 (72 Stat. 1686), or the rights reserved to the Navajo Indian Tribal Council in said section 2 with respect to the use of the lands there described under the heading "PARCEL B". Limitation.

Public lands, withdrawal.

SEC. 3. (a) The lands within the recreation area, subject to valid existing rights, are withdrawn from location, entry, and patent under the United States mining laws. Under such regulations as he deems appropriate, the Secretary shall permit the removal of the nonleasable minerals from lands or interests in lands within the national recreation area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387 et seq.), and he shall permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the Glen Canyon project or on the administration of the national recreation area pursuant to this Act.

64 Stat. 463.

41 Stat. 437; 74 Stat. 790.

61 Stat. 913.

Funds, disposition.

(b) All receipts derived from permits and leases issued on lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation area shall be disposed of in the same manner as moneys received from the sale of public lands.

Administration.

SEC. 4. The Secretary shall administer, protect, and develop the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and with any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act: *Provided, however*, That nothing in this Act shall affect or interfere with the authority of the Secretary granted by Public Law 485, Eighty-fourth Congress, second session, to operate Glen Canyon Dam and Reservoir in accordance with the purposes of the Colorado River Storage Project Act for river regulation, irrigation, flood control, and generation of hydroelectric power.

70 Stat. 105. 43 USC 620.

Hunting and fishing.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping 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 of Utah and Arizona, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

Leases.

SEC. 6. The administration of mineral and grazing leases within the recreation area shall be by the Bureau of Land Management. The same policies followed by the Bureau of Land Management in issuing and administering mineral and grazing leases on other lands under its jurisdiction shall be followed in regard to the lands within the boundaries of the recreation area, subject to the provisions of sections 3(a) and 4 of this Act.

Easements and rights-of-way.

SEC. 7. The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the recreation area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the recreation area.

Proposed road, study.

SEC. 8. (a) The Secretary together with the Highway Department of the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the recreation area. Such study shall locate the specific route of a scenic, low-speed road, hereby authorized, from Glen Canyon City to Bullfrog Basin, crossing the Escalante

River south of the point where the river has entered Lake Powell when the lake is at the three thousand seven hundred-foot level. In determining the route for this road, special care shall be taken to minimize any adverse environmental impact and said road is not required to meet ordinary secondary road standards as to grade, alinement, and curvature. Turnouts, overlooks, and scenic vistas may be included in the road plan. In no event shall said route cross the Escalante River north of Stephens Arch.

Construction.

(b) The study shall include a reasonable timetable for the engineering, planning, and construction of the road authorized in section 8(a) and the Secretary of the Interior shall adhere to said timetable in every way feasible to him.

Markers.

(c) The Secretary is authorized to construct and maintain markers and other interpretive devices consistent with highway safety standards.

Additional roads.

(d) The study specified in section 8(a) hereof shall designate what additional roads are appropriate and necessary for full utilization of the area for the purposes of this Act and to connect with all roads of ingress to, and egress from the recreation area.

Report to Congress.

(e) The findings and conclusions of the Secretary and the Highway Department of the State of Utah, specified in section 8(a), shall be submitted to Congress within two years of the date of enactment of this Act, and shall include recommendations for any further legislation necessary to implement the findings and conclusions. It shall specify the funds necessary for appropriation in order to meet the timetable fixed in section 8(b).

Report to President.

SEC. 9. Within two years from the date of enactment of this Act, the Secretary 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 recreation area for preservation as wilderness, and any designation of any such area as wilderness shall be in accordance with said Wilderness Act.

16 USC 1131 note.

Appropriation.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $400,000 for the acquisition of lands and interests in lands and not to exceed $37,325,400 for development. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

Approved October 27, 1972.

Public Law 92-594

AN ACT

To amend section 7 of the Fishermen's Protective Act of 1967.

October 27, 1972
[S. 3545]

Fishermen's Protective Act of 1967, amendments.
82 Stat. 729.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977 (e)), is amended to read as follows:

"(e) The provisions of this section shall be effective until July 1, 1977.".

SEC. 2. Clause (1) of subsection (f) of section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(f)(1)), is amended to read as follows:

"(1) the term 'Secretary' means the Secretary of Commerce.".

Approved October 27, 1972.

Public Law 92-595

AN ACT

October 27, 1972
[S. 3337]

To amend the Small Business Investment Act of 1958, 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 "Small Business Investment Act Amendments of 1972".

Small Business Investment Act Amendments of 1972.

SEC. 2. The Small Business Investment Act of 1958, as amended, is further amended as follows:

(a) Sections 103 (3) and (7) are amended by striking "(c)" after "Section 301" at the end thereof.

75 Stat. 752.
15 USC 662.

(b) Section 301 is amended by adding the following new subsection:

Investment companies financing disadvantaged persons.
72 Stat. 691; 81 Stat. 269.
15 USC 681.

"(d) Notwithstanding any other provision of this Act, a small business investment company, the investment policy of which is that its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages may be organized and chartered under State business or nonprofit corporation statutes, and may be licensed by the Administration to operate under the provisions of this Act."

(c) Section 303 is amended—

Purchase of debentures.
81 Stat. 270; 85 Stat. 776.
15 USC 683.

(1) by inserting the word "private" in the first sentence of paragraph (1) of subsection (b), to read "combined private paid-in capital and paid-in surplus";

(2) by striking the figure "$7,500,000" in the last sentence of paragraph (1) of subsection (b), and inserting the figure "$15,000,000";

(3) by amending paragraph (2) of said subsection (b) to read as follows:

"(2) The total amount of debentures which may be purchased or guaranteed and outstanding at any one time from a company not complying with section 301(d) of this Act, which has investments or legal commitments of 65 per centum or more of its total funds available for investment in small business concerns invested or committed in venture capital, and which has combined private paid-in capital and paid-in surplus of $500,000 or more shall not exceed 300 per centum of its combined private paid-in capital and paid-in surplus. In no event shall the debentures of any such company purchased or guaranteed and outstanding under this paragraph exceed $20,000,000. Such additional purchases or guarantees which the Administration makes under this paragraph shall contain conditions to insure appropriate maintenance by the company receiving such assistance of the described ratio during the period in which debentures under this paragraph are outstanding."

Supra.

(d) Section 303 is amended by adding the following new subsection:

"(c) Subject to the following conditions, the Administration is authorized to purchase preferred securities, and to purchase, or to guarantee the timely payment of all principal and interest payments as scheduled, on debentures issued by small business investment companies operating under authority of section 301(d) of this Act. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.

"The Administration may purchase—

Nonvoting preferred securities, purchase.

"(1) shares of nonvoting stock (or other securities having similar characteristics), provided—

"(i) dividends are preferred and cumulative to the extent of 3 per centum of par value per annum;

"(ii) on liquidation or redemption, the Administration is entitled to the preferred payment of the par value of such securities; and prior to any distribution (other than to the Administration) the Administration may require the preferred payment of the difference between dividends paid thereon and cumulative dividends payable at a rate equal to the interest rate determined pursuant to section 303(b) for debentures with a term of fifteen years, without interest on such difference;

"(iii) the purchase price shall be at par value and, in any one sale, $50,000 or more; and

"(iv) the amount of such securities purchased and outstanding at any one time shall not exceed (A) from a company having combined private paid-in capital and paid-in surplus of less than $300,000 and licensed on or before October 13, 1971, the amount of combined private paid-in capital and paid-in surplus invested after such date, nor (B) from any company having combined private paid-in capital and paid-in surplus of $300,000 or more but less than $500,000, the amount of its combined private paid-in capital and paid-in surplus in excess of $300,000, nor (C) from any company having combined private paid-in capital and paid-in surplus of $500,000 or more, the amount of its combined private paid-in capital and paid-in surplus.

"The Administration may purchase or guarantee—

Subordinated debentures, purchase or guarantee.

"(2) debentures subordinated pursuant to subsection (b) of this section (other than securities purchased under paragraph (1) of this subsection (c)), provided—

"(i) such debentures are issued for a term of not to exceed fifteen years;

"(ii) the interest rate is determined pursuant to sections 303(b) and 317; and

Ante, p. 1314.
Post, p. 1316.

"(iii) the amount of debentures purchased or guaranteed and outstanding at any one time pursuant to this paragraph (2) from a company having combined private paid-in capital and paid-in surplus of less than $500,000 shall not exceed 200 per centum of its combined private paid-in capital and paid-in surplus less the amount of preferred securities outstanding under paragraph (1) of this subsection, nor from a company having combined private paid-in capital and paid-in surplus of $500,000 or more, 300 per centum of its combined private paid-in capital and paid-in surplus less the amount of such preferred securities.

"(3) debentures purchased and outstanding pursuant to section 303(b) of this section may be retired simultaneously with the issuance of preferred securities to meet the requirements of subparagraph (2)(iii) of this subsection (c).

"(4) the Administration may require, as a condition of the purchase or guarantee of any securities in excess of 200 per centum of the combined private paid-in capital and paid-in surplus of a company, that the company maintains a percentage of its total funds available for investment in small business concerns invested or legally committed in venture capital (as defined in subsection (b) of this section) determined by the Administration to be reasonable and appropriate."

74 Stat. 196.
15 USC 684.

(e) Subsection 304(a) of the Small Business Investment Act of 1958 is amended by inserting "and unincorporated" after "incorporated".

81 Stat. 271.
15 USC 686.

(f) Section 306 is amended (1) by inserting the word "private" in subsection (a) thereof to read "combined private paid-in capital and paid-in surplus" and (2) by repealing subsection (b) thereof.

Repeal.

72 Stat. 691; 80 Stat. 1360.
15 USC 681.

(g) Title III is further amended by adding thereto new sections to read as follows:

Interest subsidy.
Ante, p. 1314.

"SEC. 317. Notwithstanding section 303(b), the effective rate of interest after October 13, 1971, during the first five years thereafter of the term of any debenture purchased by the Administration from a small business investment company under authority of section 303(c), shall be the greater of 3 per centum or 3 percentage points below the interest rate determined pursuant to section 303(b). The Administration is authorized to apply interest paid to it by such company for the period from October 13, 1971, to the effective date of this section, without interest thereon, to interest payable after such effective date. No company which has received the benefit of this section may make a distribution (other than to the Administration) unless it has first paid to the Administration an amount equal to the difference between the rate of interest payable to the Administration pursuant to the previous sentence, and the rate of interest which would have been payable pursuant to section 303(b).

Joint ownership companies, benefits.

"SEC. 318. The Administration is authorized to extend the benefits of sections 303(c) and 317 to any small business investment company operating under authority of section 301(d) of this Act, and which is owned, in whole or in part, by one or more small business investment companies, in accordance with regulations promulgated by the Administration.

Preferred stock asset coverage requirement, exemption.
54 Stat. 817; 72 Stat. 694.

"SEC. 319. Section 18 of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–18), is further amended by amending subsection (k) to read as follows:

"'(k) The provisions of subparagraphs (A) and (B) of paragraph (1) of subsection (a) of this section shall not apply to investment companies operating under the Small Business Investment Act of 1958, and the provisions of paragraph (2) of said subsection shall not apply to such companies so long as such class of senior security shall be held or guaranteed by the Small Business Administration.'"

15 USC 661 note.

SEC. 3. The Small Business Act is amended as follows:

80 Stat. 132.

(a) Subsection (c) of section 4 of the Small Business Act (15 U.S.C. 633(c)) is amended by inserting "7(g)," immediately after "7(e)," in each of paragraphs (1), (2), and (4) thereof.

Handicapped persons, loans.
Ante, p. 898.

(b) Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end thereof the following new subsection:

"(g)(1) The Administration also is empowered, where other financial assistance is not available on reasonable terms, to make such loans (either directly or in cooperation with Banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate—

"(A) to assist any public or private organization—

"(i) which is organized under the laws of the United States or of any State, operated in the interest of handicapped individuals, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

"(ii) which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; and

"(iii) which, in the production of commodities and in the provision of services during any fiscal year in which it receives financial assistance under this subsection, employs handicapped individuals for not less than 75 per centum of the man-hours required for the production or provision of the commodities or services; or

"(B) to assist any handicapped individual in establishing, acquiring, or operating a small business concern.

"(2) The Administration's share of any loan made under this subsection shall not exceed $350,000, nor may any such loan be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by section 4(c)(1)(B) of this Act would exceed $350,000. In agreements to participate in loans on a deferred basis under this subsection, the Administration's participation may total 100 per centum of the balance of the loan at the time of disbursement. Any loan made under this subsection shall bear interest at the rate of 3 per centum per annum. The maximum term of any such loan, including extensions and renewals thereof, may not exceed fifteen years. All loans made under this subsection shall be of such sound value or so secured as reasonably to assure repayment: *Provided, however*, That any reasonable doubt shall be resolved in favor of the applicant.

Limitation.

80 Stat. 132.
15 USC 633.

"(3) For purposes of this subsection, the term 'handicapped individual' means a person who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which in any way limits the selection of any type of employment for which the person would otherwise be qualified or qualifiable."

"Handicapped individual."

Approved October 27, 1972.

Public Law 92-596

AN ACT

October 27, 1972
[H. R. 14911]

To amend titles 10 and 37, United States Code, to authorize members of the armed forces who are in a missing status to accumulate leave without limitation, to amend title 10, United States Code, to authorize an additional Deputy Secretary of Defense, 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 701 of title 10, United States Code, is amended—

Armed Forces. Members in missing status, leave accumulation.

(1) by inserting "and subsection (g)" after "subsection (f)" in subsection (b); and

(2) by adding the following new subsection:

76 Stat. 492; 81 Stat. 782.

"(g) A member who is in a missing status, as defined in section 551(2) of title 37, accumulates leave without regard to the sixty-day limitation in subsection (b) and the ninety-day limitation in subsection (f). Notwithstanding the death of a member while in a missing status, he continues to earn leave through the date—

80 Stat. 625.

"(1) the Secretary concerned receives evidence that the member is dead; or

"(2) that his death is prescribed or determined under section 555 of title 37.

80 Stat. 628.

Leave accumulated while in missing status shall be accounted for separately. It may not be taken, but shall be paid for under section 501(h) of title 37. However, a member whose death is prescribed or determined under section 555 or 556 of title 37 may, in addition to

Post, p. 1318.

leave accrued before entering a missing status, accrue not more than one hundred and fifty days' leave during the period he is in a missing status, unless his actual death occurs on a date when, had he lived, he would have accrued leave in excess of one hundred and fifty days, in which event settlement will be made for the number of days accrued to the actual date of death. Leave so accrued in a missing status shall be accounted for separately and paid for under the provisions of section 501 of title 37."

76 Stat. 480.

SEC. 2. Section 501 of title 37, United States Code, is amended—

(1) by striking out "section," in the first sentence of subsection (d) and inserting in place thereof "section and for accumulated leave under subsection (h) of this section,"; and

(2) by adding the following new subsection:

"(h) Payment shall be made for all leave accumulated under section 701(g) of title 10 as soon as possible after the name of the person concerned is removed from a missing status, as defined in section 551(2) of this title."

Ante, p. 1317.

80 Stat. 625.

Effective date.

SEC. 3. The first and second sections of this Act become effective as of February 28, 1961.

SEC. 4. Chapter 4 of title 10, United States Code, is amended as follows:

76 Stat. 518.

(1) Section 134 is amended to read as follows:

"§ 134. Deputy Secretaries of Defense: appointment; powers and duties; precedence

"(a) There are two Deputy Secretaries of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as a Deputy Secretary of Defense within ten years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) The Deputy Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Deputy Secretaries, in the order of precedence, designated by the President shall act for, and exercise the powers of, the Secretary when the Secretary is disabled or there is no Secretary of Defense.

"(c) The Deputy Secretaries take precedence in the Department of Defense immediately after the Secretary."

76 Stat. 518.
10 USC 135, 136.

(2) Sections 135(c) and 136(e) are each amended by striking out "Deputy Secretary" and inserting in place thereof "Deputy Secretaries".

(3) The item in the analysis relating to section 134 is amended to read as follows:

"134. Deputy Secretaries of Defense: appointment; powers and duties; precedence."

70A Stat. 8.

SEC. 5. Section 171(a)(2) of title 10, United States Code, is amended by striking out "the" and inserting in place thereof "a".

80 Stat. 460.

SEC. 6. Section 5313(1) of title 5, United States Code, is amended to read as follows:

"(1) Deputy Secretaries of Defense (2)."

78 Stat. 169.

SEC. 7. Section 303(c) of the Internal Security Act of 1950 (50 U.S.C. 833(c)) is amended to read as follows:

76 Stat. 517.

"(c) Notwithstanding section 133(d) of title 10, United States Code, only the Deputy Secretaries of Defense and the Director of the National Security Agency may be delegated any authority vested in the Secretary of Defense by subsection (a).".

Approved October 27, 1972.

Public Law 92-597

AN ACT

October 27, 1972
[S. 2454]

To amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program 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 Act of August 13, 1970 (84 Stat. 794) is amended to read as follows:

Youth Conservation Corps Act of 1970, amendment.
42 USC prec. 2711 note.

"POLICY AND PURPOSE

"SECTION 1. The Congress finds that the gainful employment during the summer months of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas of the United States creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

"YOUTH CONSERVATION CORPS

"SEC. 2. (a) To carry out the purposes of this Act, there is established in the Department of the Interior and the Department of Agriculture a Youth Conservation Corps (hereinafter referred to as the 'Corps'). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, possessions, or trust territories, who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months, without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining the lands and waters of the United States under his jurisdiction.

Participants.

Summer employment.

"(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

Equal opportunity and employment; term.

"SECRETARIAL DUTIES AND FUNCTIONS

"SEC. 3. (a) In carrying out this Act, the Secretary of the Interior and the Secretary of Agriculture shall—

"(1) determine, with other Federal agencies, the areas under the administrative jurisdiction of the Secretaries which are appropriate for carrying out programs using members of the Corps, and determine and select appropriate work and education programs and projects for participation by members of the Corps;

"(2) determine the rates of pay, hours, and other conditions of employment in the Corps, except that members of the Corps 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;

62 Stat. 982; 80 Stat. 306.
28 USC 2671.
80 Stat. 531; 82 Stat. 98.
5 USC 8101.

"(3) provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the Corps in their duties;

Regulations.

"(4) promulgate regulations to insure the safety, health, and welfare of the Corps members; and

Facilities, availability to educational institutions.

"(5) provide, to the extent possible, that permanent or semi-permanent facilities used as Corps camps be made available to local schools, school districts, State junior colleges and universities, and other educational institutions for use as environmental/ecological education camps during periods of nonuse by the Corps program.

Cost responsibility.

Costs for operations, maintenance, and staffing of Corps camp facilities during periods of use by non-Corps programs as well as any liability for personal injury or property damage stemming from such use shall be the responsibility of the entity or organization using the facility and shall not be a responsibility of the Secretaries or the Corps.

Unoccupied Federal facilities and surplus equipment, use.

"(b) Whenever economically feasible, existing but unoccupied Federal facilities and surplus or unused equipment (or both), of all types, including military facilities and equipment, shall be utilized for the purposes of the Corps, where appropriate and with the approval of the Federal agency involved. To minimize transportation costs, Corps members shall be employed on conservation projects as near to their places of residence as is feasible.

Contract authority.

"(c) The Secretary of the Interior and the Secretary of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least five years for the operation of any Youth Conservation Corps project.

"PILOT GRANT PROGRAM FOR STATE PROJECTS

"SEC. 4. (a) The Secretary of the Interior and the Secretary of Agriculture shall jointly establish a pilot grant program under which grants shall be made to States to assist them in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States. For purposes of this section, the term 'States' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

"States."

Application requirements.

"(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary of the Interior and the Secretary of Agriculture. Such application shall be in such form, and submitted in such manner, as the Secretaries shall jointly by regulation prescribe, and shall contain—

"(A) assurances satisfactory to the Secretaries that individuals employed under the project for which the application is submitted shall (i) have attained the age of fifteen but not attained the age of nineteen, (ii) be permanent residents of the United States or its territories, possessions, or the Trust Territory of the Pacific Islands, (iii) be employed without regard to the personnel laws, rules, and regulations applicable to full-time employees of the applicant, (iv) be employed for a period of not more than ninety days in any calendar year, and (v) be employed without regard to their sex or social, economic, or racial classification; and

"(B) such other information as the Secretaries may jointly by regulation prescribe.

Approval.

"(2) The Secretaries may approve applications which they determine (A) meet the requirements of paragraph (1), and (B) are for projects which will further the development, preservation, or mainte-

nance of non-Federal public lands or waters within the jurisdiction of the applicant.

"(c)(1) The amount of any grant under this section shall be determined jointly by the Secretaries, except that no grant for any project may exceed 80 per centum of the cost (as determined by the Secretaries) of such project. Limitation.

"(2) Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretaries find necessary. Payments.

"(d) Thirty per centum of the sums appropriated under section 6 for any fiscal year shall be used for making grants under this section for such fiscal year. Appropriation percentage.

"SECRETARIAL REPORTS

"SEC. 5. The Secretary of the Interior and Secretary of Agriculture shall annually prepare a joint report detailing the activities carried out under this Act and providing recommendations. Each report for a fiscal year shall be submitted concurrently to the President and the Congress not later than one hundred and eighty days following the close of that fiscal year. Joint report to President and Congress.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There are authorized to be appropriated amounts not to exceed $30,000,000 for fiscal year ending June 30, 1973, and $60,000,000 for the fiscal year ending June 30, 1974, to be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this Act. Notwithstanding any other provision of law, funds appropriated for any fiscal year to carry out this Act shall remain available for obligation and expenditure until the end of the fiscal year following the fiscal year for which appropriated."

Approved October 27, 1972.

Public Law 92-598

AN ACT

October 27, 1972
[S. 4022]

To provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Washington, in 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with Public Law 91-269 (22 U.S.C. 2801 et seq.), the President is authorized to provide for United States participation in the International Exposition on the Environment (hereafter in this Act referred to as the "exposition"), which is being held at Spokane, Washington, in 1974. The purposes of such exposition are to— International Exposition on the Environment. U.S. participation. 84 Stat. 271.

Purposes.

(1) offer to United States citizens and to people throughout the world a program for the improvement of man's physical environment; demonstrate through improved projects how the resources of air, water, and land can be utilized to man's benefit without pollution; and broaden public understanding of ecology and related sciences;

(2) encourage tourist travel in and to the United States, stimulate foreign trade, and promote cultural exchanges; and

(3) commemorate the one hundredth anniversary of the founding of the city of Spokane.

SEC. 2. (a) The President, through the Secretary of Commerce, is authorized to carry out in the most effective manner the proposal for Federal participation in the exposition transmitted by the President to the Congress pursuant to section 3 of Public Law 91-269 (22 U.S.C. 2803).

84 Stat. 272.

Commissioner, appointment.

(b) The President is authorized to appoint, by and with the advice and consent of the Senate, a Commissioner for a Federal exhibit at the exposition (as provided in the proposal referred to in subsection (a)) who shall be in the Department of Commerce and receive compensation at the rate prescribed for level V of the Federal Executive Salary Schedule. The Commissioner shall perform such duties in the execution of this Act as the Secretary of Commerce may assign.

83 Stat. 863. 5 USC 5316.

Consultants and experts.

SEC. 3. (a) The Secretary of Commerce is authorized to obtain the services of consultants and experts as authorized by section 3109 of title 5, United States Code, to the extent he deems it necessary to carry out the provisions of this Act. Persons so appointed shall be reimbursed for travel and other necessary expenses incurred including a per diem allowance, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

80 Stat. 416.

Travel expenses.

80 Stat. 499; 83 Stat. 190.

(b) The Secretary of Commerce is authorized to appoint and fix the compensation of persons, other than consultants and experts referred to in subsection (a), who perform functions to carry out the provisions of this Act, without regard to 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: *Provided, however*, That no person appointed under this paragraph shall receive compensation at a rate in excess of that received by persons appointed subject to chapter 51 of such title for performing comparable duties.

80 Stat. 443. 5 USC 5101. 5 USC 5332 note.

Contract authority.

(c) The Secretary of Commerce is authorized to enter into such contracts as may be necessary to provide for United States participation in the exposition.

Land conveyance.

(d) The Secretary of Commerce is authorized to erect such buildings and other structures as may be appropriate for the United States participation in the exposition on land (approximately four acres including land necessary for ingress and egress) conveyed to the United States, in consideration of the participation by the United States in the exposition, and without other consideration. The Secretary of Commerce is authorized to accept title to such land or any interest therein: *Provided, however*, That the land or interest may be accepted only if the Secretary determines that it is free of liens, or of any other encumbrances, restrictions, or conditions that would interfere with the use of the property for purposes of the United States or prevent the disposal of the property as hereinafter set out. In the acceptance of such property and in the design and construction of buildings and other structures and facilities thereon, the Secretary of Commerce shall consult with the Secretary of the Interior, the Administrator of General Services, and the heads of other interested agencies to assure that such activities will be undertaken in a manner that (1) minimizes to the greatest extent practicable any adverse effects on the recreation, fish and wildlife, and other environmental values of the area; and (2) preserves and enhances to the greatest extent practicable the utility of the property for governmental purposes, needs, or other benefits following the close of the exposition.

Expenditures.

(e) The Secretary of Commerce is authorized to incur such other expenses as may be necessary to carry out the purposes of this Act, including but not limited to expenditures involved in the selection, purchase, rental, construction, and other acquisition, of exhibits and materials and equipment therefor and the actual display thereof, and

including but not limited to related expenditures for costs of transportation, insurance, installation, safekeeping, printing, maintenance, and operation, rental of space, and dismantling; and to purchase books of reference, newspapers, and periodicals.

Agency cooperation.

SEC. 4. The head of each department, agency, or instrumentality of the Federal Government is authorized—

(1) to cooperate with the Secretary of Commerce with respect to carrying out any of the provisions of this Act; and

(2) to make available to the Secretary of Commerce, from time to time, on a reimbursable basis, such personnel as may be necessary to assist the Secretary of Commerce to carry out his functions under this Act.

Report to Congress.

SEC. 5. The Secretary of Commerce shall report to the Congress within one year after the date of the official close of the exposition on the activities of the Federal Government pursuant to this Act, including a detailed statement of expenditures. Upon transmission of such report to the Congress, all appointments made under this Act shall terminate, except those which may be extended by the President for such additional period of time as he deems necessary to carry out the purposes of this Act.

Termination.

SEC. 6. After the close of the exposition, all Federal property shall be disposed of in accordance with provisions of the Federal Property and Administrative Services Act of 1949, and other applicable Federal laws relating to the disposition of excess and surplus property.

63 Stat. 377. 40 USC 471 note.

SEC. 7. The functions authorized by this Act may be performed without regard to the prohibitions and limitations of the following laws:

80 Stat. 416.

(1) That part of section 3109 (b) of title 5, United States Code, which reads "(not in excess of one year)".

(2) Section 16(a) of the Administrative Expenses Act of 1946 (ch. 744, August 2, 1946; 60 Stat. 810; 31 U.S.C. 638a) to the extent that it pertains to hiring automobiles.

(3) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of public moneys).

(4) Sections 302–305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, ch. 288, 63 Stat. 393 et seq.) as amended (41 U.S.C. 252–255) (competitive bids; negotiated contracts, advances).

(5) Section 322 of the Act of June 20, 1932 (ch. 314, 47 Stat. 412; 40 U.S.C. 278a) (lease of buildings to Government; maximum rental).

47 Stat. 1517.

(6) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (advertisement of proposals for competitive bids).

(7) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(8) Section 2 of the Act of March 3, 1933 (ch. 212, 47 Stat. 1520; 41 U.S.C. 10a) (Buy American Act).

(9) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

82 Stat. 1243.

(10) Section 501 of title 44, United States Code (printing by Government Printing Office).

(11) Section 3702 of title 44, United States Code (advertisements without authority).

(12) Section 3703 of title 44, United States Code (rates of payment for advertisement).

Appropriation.

SEC. 8. There are hereby authorized to be appropriated not to exceed $11,500,000 to remain available until expended, to carry out United States participation in the exposition.

Approved October 27, 1972.

Public Law 92-599

October 27, 1972
[H. R. 16810]

AN ACT

To provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

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

Public debt limit.
Temporary increase.

TITLE I—TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

SEC. 101. During the period beginning on November 1, 1972, and ending on June 30, 1973, 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 $65,000,000,000.

Ante, p. 63.

TITLE II—LIMITATION ON EXPENDITURES AND NET LENDING FOR FISCAL 1973

SEC. 201. (a) Expenditures and net lending during the fiscal year ending June 30, 1973, under the budget of the United States Government shall not exceed $250,000,000,000.

(b) The provisions of this title shall cease to apply on the day after the date of the enactment of this Act and no action taken before such day under such provisions shall have any force or effect on or after such day.

(c) In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

TITLE III—JOINT COMMITTEE TO REVIEW OPERATION OF BUDGET CEILING AND TO RECOMMEND PROCEDURES FOR IMPROVING CONGRESSIONAL CONTROL OVER BUDGETARY OUTLAY AND RECEIPT TOTALS

Establishment; membership.

SEC. 301. (a) There is hereby established a joint committee composed of thirty-two members appointed as follows:

(1) seven members from the Committee on Ways and Means of the House of Representatives, appointed by the Speaker of the House;

(2) seven members from the Committee on Appropriations of the House of Representatives, appointed by the Speaker of the House;

(3) two additional Members of the House of Representatives, one from the majority party, and one from the minority party, appointed by the Speaker of the House;

(4) seven members of the Committee on Finance of the Senate, appointed by the President pro tempore of the Senate;

(5) seven members of the Committee on Appropriations of the Senate, appointed by the President pro tempore of the Senate; and

(6) two additional Members of the Senate, one from the majority party, and one from the minority party, appointed by the President pro tempore of the Senate.

No person appointed by reason of his membership on any of the committees referred to in paragraphs (1), (2), (4), and (5) shall continue to serve as a member of the joint committee after he has ceased to be a member of that committee from which he was chosen, except that the members chosen from the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives who have been reelected to the House of Representatives may continue to serve as members of the joint committee notwithstanding the expiration of the Congress. A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection. Vacancy.

(b) The joint committee created by subsection (a) shall make a full study and review of— Study and review.

(1) the procedures which should be adopted by the Congress for the purpose of improving congressional control of budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of each year's budgetary outlays which is fully coordinated with an overall view of the anticipated revenues for that year, and

(2) the operation of the limitation on expenditures and net lending imposed by section 201 of this Act for the fiscal year ending June 30, 1973.

The joint committee shall report the results of such study and review to the Speaker of the House of Representatives and to the President pro tempore of the Senate, not later than February 15, 1973. Report to Congress.

(c)(1) The chairman of the joint committee shall be selected by the members of the joint committee. Chairman.

(2) The joint committee is authorized to appoint such staff, and to request such assistance from the existing staffs of the Congress, as may be necessary to carry out the purposes of this section. Staff.

(d) The expenses of the joint committee, which shall not exceed $100,000 through February 28, 1973, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee. Expenses.

(e) The joint committee shall cease to exist at the close of the first session of the Ninety-third Congress. Termination.

SEC. 302. 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.

TITLE IV—FEDERAL IMPOUNDMENT INFORMATION

SHORT TITLE

SEC. 401. This title may be cited as the "Federal Impoundment and Information Act". Citation of title.

AMENDMENT OF THE BUDGET AND ACCOUNTING PROCEDURES ACT OF 1950

SEC. 402. Title II of the Budget and Accounting Procedures Act of 1950 is amended by adding at the end thereof the following new section: 64 Stat. 838. 31 USC 581b.

"REPORTS ON IMPOUNDED FUNDS

Presidential report to Congress.

"SEC. 203. (a) If any funds are appropriated and then partially or completely impounded, the President shall promptly transmit to the Congress and to the Comptroller General of the United States a report containing the following information:

"(1) the amount of the funds impounded;

"(2) the date on which the funds were ordered to be impounded;

"(3) the date the funds were impounded;

"(4) any department or establishment of the Government to which such impounded funds would have been available for obligation except for such impoundment;

"(5) the period of time during which the funds are to be impounded;

"(6) the reasons for the impoundment; and

"(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

"(b) If any information contained in a report transmitted under subsection (a) is subsequently revised, the President shall promptly transmit to the Congress and the Comptroller General a supplementary report stating and explaining each such revision.

Publication in Federal Register.

"(c) Any report or supplementary report transmitted under this section shall be printed in the first issue of the Federal Register published after that report or supplementary report is so transmitted."

TITLE V—MISCELLANEOUS PROVISIONS

AMENDMENT TO FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970

84 Stat. 709. 26 USC 3304 notes.

SEC. 501. Section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "Effective with respect to compensation for weeks of unemployment beginning before July 1, 1973, and beginning after the date of the enactment of this sentence (or, if later, the date established pursuant to State law), the State may by law provide that the determination of whether there has been a State 'off' indicator ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof."

Approved October 27, 1972.

Public Law 92-600

October 27, 1972
[H. R. 17038]

AN ACT

Designating the Oakley Reservoir on the Sangamon River at Decatur, Illinois, as the William L. Springer Lake.

Oakley Reservoir, Sangamon River, Ill. Name change. 76 Stat. 1180.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Oakley Reservoir on the Sangamon River at Decatur, Illinois, authorized by section 203 of the Flood Control Act of 1962, shall hereafter be known as the William L. Springer Lake, and any law, regulation, document, or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of "William L. Springer Lake."

Approved October 27, 1972.

Public Law 92-601

AN ACT

To prohibit the use of certain small vessels in United States fisheries.

October 27, 1972
[S. 3358]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the five-year period beginning on the date of the enactment of this Act, it shall be unlawful for any person on board any prohibited vessel—

U.S. fisheries.
Prohibited vessels and fish.

(1) to transfer at sea or cause to be transferred at sea any prohibited fish; or

(2) to land or cause to be landed any prohibited fish in any port of the United States.

SEC. 2. (a) Any person who knowingly—

Violations and penalty.

(1) violates the first section of this Act;

(2) takes, sells, transfers, purchases, or receives any prohibited fish which are transferred or landed in violation of the first section of this Act; or

(3) violates any regulation issued pursuant to section 4 of this Act;

shall be liable to a civil penalty of not more than $1,000, in addition to any other penalty provided by law. Each separate unlawful transfer or landing of prohibited fish shall constitute a separate violation of the first section of this Act.

(b) Any prohibited fish transferred or landed in violation of the first section of this Act, or the monetary value thereof, shall be subject to forfeiture.

SEC. 3. (a) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and the regulations issued pursuant thereto.

Enforcement.

(b) Enforcement of this Act and the regulations issued pursuant thereto shall be the joint responsibility of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act and the regulations issued pursuant thereto.

Warrants.

(d) Such person so authorized shall have the power, with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States.

Vessel search.

(e) Such person so authorized may seize, whenever and wherever lawfully found, all prohibited fish transferred, landed, taken, sold, purchased, or received in violation of the provisions of this Act or the regulations issued pursuant thereto. Any prohibited fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary concerned.

Seizure.

(f) 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 prohibited fish seized if the process has been levied, on receiving from the claimant of the prohibited fish a bond or stipulation for the value of the property with

Bond.
62 Stat. 974.

sufficient surety to be approved by a judge of the district court having jurisdiction of the violation, conditioned to deliver the prohibited 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 prohibited fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

Regulations.

SEC. 4. The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this Act.

Definitions.

SEC. 5. As used in this Act—

62 Stat. 859.

(1) The term "person" means a person as defined in section 1 of title 1, United States Code.

(2) The term "prohibited fish" means, with respect to any prohibited vessel, the fish, mollusk, crustacean, or other form of marine animal or plant life which such vessel was authorized to engage in the catching of before the prohibition described in paragraph (3)(C) of this section was imposed on such vessel by the foreign country concerned.

(3) The term "prohibited vessel" means any vessel of less than five net tons which was—

(A) constructed in a foreign country,

(B) used in a fishery of such foreign country, and

(C) subsequently prohibited by such foreign country from being used in such fishery;

but does not mean any such vessel which was acquired by a citizen of the United States or a resident alien before the date of the enactment of this Act.

Approved October 27, 1972.

October 27, 1972
[H. R. 16804]

Public Law 92-602

AN ACT

To rename the Mineola Dam and Lake as the Carl L. Estes Dam and Lake.

Mineola Dam and Lake, Sabine River, Tex.
Name change.
84 Stat. 1824.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mineola Dam and Lake on the Sabine River, Texas, authorized by the Flood Control Act of 1970 shall be known and designated hereafter as the "Carl L. Estes Dam and Lake". Any law, regulation, map, or record of the United States in which such dam and lake is referred shall be held and considered to refer to such dam and lake by the name of "Carl L. Estes Dam and Lake".

Approved October 27, 1972.

Public Law 92-603

AN ACT

To amend the Social Security Act, and for other purposes.

October 30, 1972
[H. R. 1]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Social Security Amendments of 1972".

Social Security Amendments of 1972.

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TITLE I—PROVISIONS RELATING TO OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT

SEC. 101. (a) Section 215(a) of the Social Security Act is amended— *Ante*, p. 410.

(1) by striking out "paragraph (2)" in the matter preceding subparagraph (A) of paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by inserting after paragraph (2) the following:

"(3) Such primary insurance amount shall be an amount equal to $8.50 multiplied by the individual's years of coverage in excess of 10 in any case in which such amount is higher than the individual's primary insurance amount as determined under paragraph (1) or (2).

"Years of coverage."

For purposes of paragraph (3), an individual's 'years of coverage' is the number (not exceeding 30) equal to the sum of (i) the number (not exceeding 14 and disregarding any fraction) determined by dividing the total of the wages credited to him (including wages deemed to be paid prior to 1951 to such individual under section 217, compensation under the Railroad Retirement Act of 1937 prior to 1951 which is creditable to such individual pursuant to this title, and wages deemed to be paid prior to 1951 to such individual under section 231) for years after 1936 and before 1951 by $900, plus (ii) the number equal to the number of years after 1950 each of which is a computation base year (within the meaning of subsection (b)(2)(C)) and in each

64 Stat. 512.
42 USC 417.
50 Stat. 307.
45 USC 228a.
Post, p. 1367.

64 Stat. 512.
42 USC 417.
50 Stat. 307.
45 USC 228a.
Post, p. 1352.

of which he is credited with wages (including wages deemed to be paid to such individual under section 217, compensation under the Railroad Retirement Act of 1937 which is creditable to such individual pursuant to this title, and wages deemed to be paid to such individual under section 229) and self-employment income of not less than 25 percent of the maximum amount which, pursuant to subsection (e), may be counted for such year."

72 Stat. 1017;
Ante, p. 411.

(b) Section 203(a) of such Act 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 ", or", and by inserting after paragraph (4) the following new paragraph:

"(5) whenever the monthly benefits of such individuals are based on an insured individual's primary insurance amount which

Ante, p. 1333.

is determined under section 215(a)(3) and such primary insurance amount does not appear in column IV of the table in (or

Ante, p. 406.

deemed to be in) section 215(a), the applicable maximum amount in column V of such table shall be the amount in such column that appears on the line on which the next higher primary insurance amount appears in column IV, or, if larger, the largest amount determined for such persons under this subsection for any month prior to October 1972."

Ante, p. 410.

(c) Section 215(a)(2) of such Act is amended by striking out "such primary insurance amount shall be" and all that follows and inserting in lieu thereof the following:

"such primary insurance amount shall be—

"(A) the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under

42 USC 423.

section 223 for the month before the effective month of a new table (whether enacted by another law or deemed to be such

Ante, p. 412.

table under subsection (i)(2)(D)) and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined

Ante, p. 411.

under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability

"Primary insurance amount."

insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined); or

"(B) an amount equal to the primary insurance amount upon which such disability insurance benefit is based if such primary insurance amount was determined under paragraph

Ante, p. 1333.

(3)."

Ante, p. 411.

(d) Section 215(f)(2) of such Act is amended by striking out "subsection (a)(1)(A) and (C)" and inserting in lieu thereof "subsections (a)(1)(A) and (C) and (a)(3)".

Ante, p. 412.

(e) Section 215(i)(2)(A)(ii) of such Act is amended by striking out "under this title" and inserting in lieu thereof "under this title (but not including a primary insurance amount determined under subsection (a)(3) of this section)".

(f) Whenever an insured individual is entitled to benefits for a month which are based on a primary insurance amount under paragraph (1) or paragraph (3) of section 215(a) of the Social Security

Act and for the following month such primary insurance amount is increased or such individual becomes entitled to benefits on a higher primary insurance amount under a different paragraph of such section 215(a), such individual's old-age or disability insurance benefit (beginning with the effective month of the increased primary insurance amount) shall be increased by an amount equal to the difference between the higher primary insurance amount and the primary insurance amount on which such benefit was based for the month prior to such effective month, after the application of section 202(q) of such Act where applicable, to such difference.

Ante, p. 1333.

Ante, p. 410.

Post, pp. 1336-1338.

(g) The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after December 1972 (without regard to when the insured individual became entitled to such benefits or when he died) and with respect to lump-sum death payments under such title in the case of deaths occurring after such month.

Effective date.
53 Stat. 1362.
42 USC 401.

INCREASED WIDOW'S AND WIDOWER'S INSURANCE BENEFITS

SEC. 102. (a)(1) Section 202(e)(1) of the Social Security Act is amended—

79 Stat. 376; 81 Stat. 828; *Post*, p. 1348.
42 USC 402.

(A) by striking out "82½ percent of" wherever it appears;

(B) by striking out "entitled, after attainment of age 62, to wife's insurance benefits," in subparagraph (C)(i) and inserting in lieu thereof "entitled to wife's insurance benefits," and by striking out "or" at the end of clause (i) in such subparagraph and inserting in lieu thereof "and (I) has attained age 65 or (II) is not entitled to benefits under subsection (a) or section 223, or"; and

42 USC 423.

(C) by striking out "age 62" in subparagraph (C)(ii), and in the matter following subparagraph (G), and inserting in lieu thereof in each instance "age 65".

(2) Paragraph (2) of section 202(e) of such Act is amended to read as follows:

"(2)(A) Except as provided in subsection (q), paragraph (4) of this subsection, and subparagraph (B) of this paragraph, such widow's insurance benefit for each month shall be equal to the primary insurance amount of such deceased individual.

75 Stat. 131; 79 Stat. 368.

"(B) If the deceased individual (on the basis of whose wages and self-employment income a widow or surviving divorced wife is entitled to widow's insurance benefits under this subsection) was, at any time, entitled to an old-age insurance benefit which was reduced by reason of the application of subsection (q), the widow's insurance benefit of such widow or surviving divorced wife for any month shall, if the amount of the widow's insurance benefit of such widow or surviving divorced wife (as determined under subparagraph (A) and after application of subsection (q)) is greater than—

"(i) the amount of the old-age insurance benefit to which such deceased individual would have been entitled (after application of subsection (q)) for such month if such individual were still living, and

"(ii) 82½ percent of the primary insurance amount of such deceased individual,

be reduced to the amount referred to in clause (i), or (if greater) the amount referred to in clause (ii)."

(b)(1) Section 202(f)(1) of such Act is amended—

64 Stat. 485; 81 Stat. 829; *Post*, p. 1336.

(A) by striking out "82½ percent of" wherever it appears;

(B) by striking out "died," in subparagraph (C) and inserting in lieu thereof "died, and (I) has attained age 65 or (II) is not entitled to benefits under subsection (a) or section 223,"; and

(C) by striking out "age 62" in the matter following subparagraph (G) and inserting in lieu thereof "age 65".

Widower's benefits.
75 Stat. 138; 79 Stat. 404.
42 USC 402.
75 Stat. 131; 79 Stat. 368.

(2) Paragraph (3) of section 202(f) of such Act is amended to read as follows:

"(3)(A) Except as provided in subsection (q), paragraph (5) of this subsection, and subparagraph (B) of this paragraph, such widower's insurance benefit for each month shall be equal to the primary insurance amount of his deceased wife.

"(B) If the deceased wife (on the basis of whose wages and self-employment income a widower is entitled to widower's insurance benefits under this subsection) was, at any time, entitled to an old-age insurance benefit which was reduced by reason of the application of subsection (q), the widower's insurance benefit of such widower for any month shall, if the amount of the widower's insurance benefit of such widower (as determined under subparagraph (A) and after application of subsection (q)) is greater than—

"(i) the amount of the old-age insurance benefit to which such deceased wife would have been entitled (after application of subsection (q)) for such month if such wife were still living; and

"(ii) 82½ percent of the primary insurance amount of such deceased wife;

be reduced to the amount referred to in clause (i), or (if greater) the amount referred to in clause (ii)."

74 Stat. 954; 81 Stat. 832.
42 USC 403.

(c)(1) The last sentence of section 203(c) of such Act is amended by striking out all that follows the semicolon and inserting in lieu thereof the following: "nor shall any deduction be made under this subsection from any widow's insurance benefits for any month in which the widow or surviving divorced wife is entitled and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or from any widower's insurance benefit for any month in which the widower is entitled and has not attained age 65 (but only if he became so entitled prior to attaining age 62)."

81 Stat. 832; *Post*, p. 1343.

(2) Clause (D) of section 203(f)(1) of such Act is amended to read as follows: "(D) for which such individual is entitled to widow's insurance benefits and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or widower's insurance benefits and has not attained age 65 (but only if he became so entitled prior to attaining age 62), or".

70 Stat. 814; 79 Stat. 404.
Ante, p. 1335; *Supra*.

(d) Section 202(k)(3)(A) of such Act is amended by striking out "subsection (q) and" and inserting in lieu thereof "subsection (q), subsection (e)(2) or (f)(3), and".

Benefit reductions.
79 Stat. 374; 81 Stat. 830.
42 USC 402.

(e)(1) Section 202(q)(1) of such Act is amended to read as follows:

"(1) If the first month for which an individual is entitled to an old-age, wife's, husband's, widow's, or widower's insurance benefit is a month before the month in which such individual attains retirement age, the amount of such benefit for such month and for any subsequent month shall, subject to the succeeding paragraphs of this subsection, be reduced by—

"(A) 5/9 of 1 percent of such amount if such benefit is an old-age insurance benefit, 25/36 of 1 percent of such amount if such benefit is a wife's or husband's insurance benefit, or 19/40 of 1 percent of such amount if such benefit is a widow's or widower's insurance benefit, multiplied by—

"(B)(i) the number of months in the reduction period for such benefit (determined under paragraph (6)(A)), if such benefit is for a month before the month in which such individual attains retirement age, or

81 Stat. 831.

"(ii) if less, the number of such months in the adjusted reduction period for such benefit (determined under paragraph (7)), if such benefit is (I) for the month in which such individual attains age 62, or (II) for the month in which such individual attains retirement age;

Infra.

and in the case of a widow or widower whose first month of entitlement to a widow's or widower's insurance benefit is a month before the month in which such widow or widower attains age 60, such benefit, reduced pursuant to the preceding provisions of this paragraph (and before the application of the second sentence of paragraph (8)), shall be further reduced by—

75 Stat. 131; 79 Stat. 368. 42 USC 402.

"(C) $^{43}/_{240}$ of 1 percent of the amount of such benefit, multiplied by—

"(D) (i) the number of months in the additional reduction period for such benefit (determined under paragraph (6)(B)), if such benefit is for a month before the month in which such individual attains age 62, or

81 Stat. 831.

"(ii) if less, the number of months in the additional adjusted reduction period for such benefit (determined under paragraph (7)), if such benefit is for the month in which such individual attains age 62 or any month thereafter."

(2) Section 202(q)(3) of such Act is amended—

75 Stat. 131; 79 Stat. 368, 369, 374.

(A) by striking out clause (ii) of subparagraph (E) and inserting in lieu thereof the following:

"(ii) the amount equal to the sum of (I) the amount by which such widow's or widower's insurance benefit would be reduced under paragraph (1) if the period specified in paragraph (6)(A) ended with the month before the month in which she or he attained age 62 and (II) the amount by which such old-age insurance benefit would be reduced under paragraph (1) if it were equal to the excess of such old-age insurance benefit (before reduction under this subsection) over such widow's or widower's insurance benefit (before reduction under this subsection)".

(B) by striking out clause (ii) of subparagraph (F) and inserting in lieu thereof the following:

"(ii) the amount equal to the sum of (I) the amount by which such widow's or widower's insurance benefit would be reduced under paragraph (1) if the period specified in paragraph (6)(A) ended with the month before the month in which she or he attained age 62 and (II) the amount by which such disability insurance benefit would be reduced under paragraph (2) if it were equal to the excess of such disability insurance benefit (before reduction under this subsection) over such widow's or widower's insurance benefit (before reduction under this subsection)".

(C) by striking out "had such individual attained age 62 in" in subparagraph (G) and inserting in lieu thereof "as if the period specified in paragraph (6)(A) (or, if such paragraph does not apply, the period specified in paragraph (6)(B)) ended with the month before".

(3) Section 202(q)(7) of such Act is amended—

(A) by striking out everything that precedes subparagraph (A) and inserting in lieu thereof the following:

"(7) For purposes of this subsection the 'adjusted reduction period' for an individual's old-age, wife's, husband's, widow's, or widower's insurance benefit is the reduction period prescribed in paragraph (6)(A) for such benefit, and the 'additional adjusted reduction period' for an individual's, widow's, or widower's insurance benefit is the additional reduction period prescribed by paragraph (6)(B) for such benefit, excluding from each such period—"; and

"Adjusted reduction period."

"Additional adjusted reduction period."

(B) by striking out "attained retirement age" in subparagraph (E) and inserting in lieu thereof "attained age 62, and also for any later month before the month in which he attained retirement age,".

"Retirement age."
79 Stat. 375.
42 USC 402.

(4) Section 202(q)(9) of such Act is amended to read as follows:

"(9) For purposes of this subsection, the term 'retirement age' means age 65."

Ante, p. 1337.

(5) Section 202(q)(3) of such Act is amended by adding at the end thereof the following new subparagraph:

"(H) Notwithstanding subparagraph (A) of this paragraph, if the first month for which an individual is entitled to a widow's or widower's insurance benefit is a month for which such individual is also entitled to an old-age insurance benefit to which such individual was first entitled for a month before she or he became entitled to a widow's or widower's benefit, the reduction in such widow's or widower's insurance benefit shall be determined under paragraph (1)."

68 Stat. 1073; 72 Stat. 1017.

(f) Section 202(m) of such Act is amended to read as follows:

"Minimum Survivor's Benefit

"(m)(1) In any case in which an individual is entitled to a monthly benefit under this section on the basis of the wages and self-employment income of a deceased individual for any month and no other person is (without the application of subsection (j)(1)) entitled to a monthly benefit under this section for such month on the basis of such wages and self-employment income, such individual's benefit amount for such month, prior to reduction under subsection (k)(3), shall be not less than the first amount appearing in column IV of the table in (or deemed to be in) section 215(a), except as provided in paragraph (2).

64 Stat. 487.

Ante, p. 1336.

Ante, p. 406.

"(2) In the case of any such individual who is entitled to a monthly benefit under subsection (e) or (f), such individual's benefit amount, after reduction under subsection (q)(1), shall be not less than—

Ante, pp. 1335, 1336.

"(A) $84.50, if his first month of entitlement to such benefit is the month in which such individual attained age 62 or a subsequent month, or

"(B) $84.50 reduced under subsection (q)(1) as if retirement age as specified in subsection (q)(6)(A)(ii) were age 62 instead of the age specified in subsection (q)(9), if his first month of entitlement to such benefit is before the month in which he attained age 62.

81 Stat. 831.

Supra.

"(3) In the case of any individual whose benefit amount was computed (or recomputed) under the provisions of paragraph (2) and such individual was entitled to benefits under subsection (e) or (f) for a month prior to any month after 1972 for which a general benefit increase under this title (as defined in section 215(i)(3)) or a benefit increase under section 215(i) becomes effective, the benefit amount of such individual as computed under paragraph (2) without regard to the reduction specified in subparagraph (B) thereof shall be increased by the percentage increase applicable for such benefit increase, prior to the application of subsection (q)(1) pursuant to paragraph (2)(B) and subsection (q)(4)."

Ante, p. 412.

75 Stat. 131; 79 Stat. 368.

(g)(1) In the case of an individual who is entitled to widow's or widower's insurance benefits for the month of December 1972 the Secretary shall, if it would increase such benefits, redetermine the amount of such benefits for months after December 1972 under title II of the Social Security Act as if the amendments made by this section had been in effect for the first month of such individual's entitlement to such benefits.

53 Stat. 1362.
42 USC 401.

(2) For purposes of paragraph (1)—

(A) any deceased individual on whose wages and self-employment income the benefits of an individual referred to in paragraph (1) are based, shall be deemed not to have been entitled to benefits if the record, of insured individuals who were entitled to benefits, that is readily available to the Secretary contains no entry for such deceased individual; and

(B) any deductions under subsections (b) and (c) of section 203 of such Act, applicable to the benefits of an individual referred to in paragraph (1) for any month prior to September 1965, shall be disregarded in applying the provisions of section 202(q)(7) of such Act (as amended by this Act).

74 Stat. 953.
42 USC 403.

Ante, p. 1337.

(h) Where—

(1) two or more persons are entitled to monthly benefits under section 202 of the Social Security Act for December 1972 on the basis of the wages and self-employment income of a deceased individual, and one or more of such persons is so entitled under subsection (e) or (f) of such section 202, and

64 Stat. 482.

Ante, pp. 1335, 1336.

(2) one or more of such persons is entitled on the basis of such wages and self-employment income to monthly benefits under subsection (e) or (f) of such section 202 (as amended by this section) for January 1973, and

(3) the total of benefits to which all persons are entitled under section 202 of such Act on the basis of such wages and self-employment income for January 1973 is reduced by reason of section 203(a) of such Act, as amended by this Act (or would, but for the penultimate sentence of such section 203(a), be so reduced),

72 Stat. 1017; *Ante*, p. 410.

then the amount of the benefit to which each such person referred to in paragraph (1) is entitled for months after December 1972 shall in no case be less after the application of this section and such section 203(a) than the amount it would have been without the application of this section.

(i) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1972.

Effective date.
53 Stat. 1362.
42 USC 401.

DELAYED RETIREMENT CREDIT

SEC. 103. (a) Section 202 of the Social Security Act is amended by adding after subsection (v) thereof the following:

64 Stat. 482; 79 Stat. 392.

"Increase in Old-Age Insurance Benefit Amounts on Account of Delayed Retirement

"(w)(1) If the first month for which an old-age insurance benefit becomes payable to an individual is not earlier than the month in which such individual attains age 65 (or his benefit payable at such age is not reduced under subsection (q)), the amount of the old-age insurance benefit (other than a benefit based on a primary insurance amount determined under section 215(a)(3)) which is payable without regard to this subsection to such individual shall be increased by—

Ante, pp. 1336-1338.

Ante, p. 1333.

"(A) $\frac{1}{12}$ of 1 percent of such amount, multiplied by

"(B) the number (if any) of the increment months for such individual.

"(2) For purposes of this subsection, the number of increment months for any individual shall be a number equal to the total number of the months—

"(A) which have elapsed after the month before the month in which such individual attained age 65 or (if later) December 1970 and prior to the month in which such individual attained age 72, and

"(B) with respect to which—

"(i) such individual was a fully insured individual (as defined in section 214(a)), and

Infra.

"(ii) such individual either was not entitled to an old-age insurance benefit or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit.

74 Stat. 953.
42 USC 403.

"(3) For purposes of applying the provisions of paragraph (1), a determination shall be made under paragraph (2) for each year, beginning with 1972, of the total number of an individual's increment months through the year for which the determination is made and the total so determined shall be applicable to such individual's old-age insurance benefits beginning with benefits for January of the year following the year for which such determination is made; except that the total number applicable in the case of an individual who attains age 72 after 1972 shall be determined through the month before the month in which he attains such age and shall be applicable to his old-age insurance benefit beginning with the month in which he attains such age.

"(4) This subsection shall be applied after reduction under section 203(a)."

(b) The matter following paragraph (3) of section 202(a) of such Act is amended by inserting "and subsection (w)" after "subsection (q)".

70 Stat. 818.
42 USC 202.

Ante, p. 415.

(c) Effective January 1, 1974, section 203(a)(2)(C) of such Act is amended by striking out "determined under this title" and inserting in lieu thereof "determined under this title (excluding any part thereof determined under section 202(w))".

Ante, p. 1339.

Effective date.

(d) The amendments made by this section shall be applicable with respect to old-age insurance benefits payable under title II of the Social Security Act for months beginning after 1972.

53 Stat. 1362.
42 USC 401.

AGE-62 COMPUTATION POINT FOR MEN

75 Stat. 137.
42 USC 414.

SEC. 104. (a) Section 214(a)(1) of the Social Security Act is amended by striking out "before—" and all that follows down through "except" and inserting in lieu thereof the following:

"before the year in which he died or (if earlier) the year in which he attained age 62, except".

42 USC 415.

(b) Section 215(b)(3) of such Act is amended by striking out "before—" and all that follows down through "For" and inserting in lieu thereof the following:

"before the year in which he died, or if it occurred earlier but after 1960, the year in which he attained age 62. For".

74 Stat. 967;
Post, p. 1351.
42 USC 423.

(c) Section 223(a)(2) of such Act is amended—

(1) by striking out "(if a woman) or age 65 (if a man)",

(2) by striking out "in the case of a woman" and inserting in lieu thereof "in the case of an individual", and

(3) by striking out "she" and inserting in lieu thereof "he".

(d) Section 223(c)(1)(A) of such Act is amended by striking out "(if a woman) or age 65 (if a man)".

42 USC 427.

(e) Section 227(a) of such Act is amended by striking out "so much of paragraph (1) of section 214(a) as follows clause (C)" and inserting in lieu thereof "paragraph (1) of section 214(a)".

Supra.

(f) Section 227(b) of such Act is amended by striking out "so much of paragraph (1) thereof as follows clause (C)" and inserting in lieu thereof "paragraph (1) thereof".

(g) Sections 209(i) and 216(i)(3)(A), of such Act are amended by striking out "(if a woman) or age 65 (if a man)". 42 USC 409, 416.

(h) Section 303(g)(1) of the Social Security Amendments of 1960 is amended— 42 USC 415 note.

(1) by striking out "Amendments of 1965 and 1967" and inserting in lieu thereof "Amendments of 1965, 1967, 1969, and 1972 (and by Public Law 92-5)"; and

(2) by striking out "Amendments of 1967" wherever it appears and inserting in lieu thereof "Amendments of 1972".

(i) Paragraph (9) of section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended to read as follows: 70 Stat. 839. 26 USC 3121.

"(9) any payment (other than vacation or sick pay) made to an employee after the month in which he attains age 62, if such employee did not work for the employer in the period for which such payment is made;".

(j)(1) The amendments made by this section (except the amendment made by subsection (i), and the amendment made by subsection (g) to section 209(i) of the Social Security Act) shall apply only in the case of a man who attains (or would attain) age 62 after December 1974. The amendment made by subsection (i), and the amendment made by subsection (g) to section 209(i) of the Social Security Act, shall apply only with respect to payments after 1974. Effective dates.

(2) In the case of a man who attains age 62 prior to 1975, the number of his elapsed years for purposes of section 215(b)(3) of the Social Security Act shall be equal to (A) the number determined under such section as in effect on September 1, 1972, or (B) if less, the number determined as though he attained age 65 in 1975, except that monthly benefits under title II of the Social Security Act for months prior to January 1973 payable on the basis of his wages and self-employment income shall be determined as though this section had not been enacted. *Ante*, p. 1340. 53 Stat. 1362. 42 USC 401.

(3)(A) In the case of a man who attains or will attain age 62 in 1973, the figure "65" in sections 214(a)(1), 223(c)(1)(A), and 216(i)(3)(A) of the Social Security Act shall be deemed to read "64". *Ante*, p. 1340; *Supra*.

(B) In the case of a man who attains or will attain age 62 in 1974, the figure "65" in sections 214(a)(1), 223(c)(1)(A), and 216(i)(3)(A) of the Social Security Act shall be deemed to read "63".

LIBERALIZATION AND AUTOMATIC ADJUSTMENT OF EARNINGS TEST

SEC. 105. (a)(1) Paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$175 or the exempt amount as determined under paragraph (8)". 42 USC 403.

(2) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$175 or the exempt amount as determined under subsection (f)(8)".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows: *Post*, p. 1342.

"(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $175 or the exempt amount as determined under paragraph (8), multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence, if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) Section 203(f) of such Act is amended by adding at the end thereof the following new paragraph:

Ante, p. 1334.

Publication in Federal Register.

"(8)(A) Whenever the Secretary pursuant to section 215(i) increases benefits effective with the first month of the calendar year following a cost-of-living computation quarter, he shall also determine and publish in the Federal Register on or before November 1 of the calendar year in which such quarter occurs (along with the publication of such benefit increase as required by section 215(i)(2)(D)) a new exempt amount which shall be effective (unless such new exempt amount is prevented from becoming effective by subparagraph (C) of this paragraph) with respect to any individual's taxable year which ends with the close of or after the calendar year with the first month of which such benefit increase is effective (or, in the case of an individual who dies during such calendar year, with respect to such individual's taxable year which ends, upon his death, during such year.

"(B) The exempt amount for each month of a particular taxable year shall be whichever of the following is the larger—

"(i) the exempt amount which was in effect with respect to months in the taxable year in which the determination under subparagraph (A) was made, or

"(ii) the product of the exempt amount described in clause (i) and the ratio of (I) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of the calendar year in which the determination under subparagraph (A) was made to (II) the average of the 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 in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made under section 230(a), with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such product is a multiple of $5 but not of $10 and to the nearest multiple of $10 in any other case.

Ante, p. 417.

Estimated increase, notice to congressional committees.

Whenever the Secretary determines that the exempt amount is to be increased in any year under this paragraph, he shall notify the House Committee on Ways and Means and the Senate Committee on Finance no later than August 15 of such year of the estimated amount of such increase, indicating the new exempt amount, the actuarial estimates of the effect of the increase, and the actuarial assumptions and methodology used in preparing such estimates.

"(C) Notwithstanding the determination of a new exempt amount by the Secretary under subparagraph (A) (and notwithstanding any publication thereof under such subparagraph or any notification thereof under the last sentence of subparagraph (B)), such new exempt amount shall not take effect pursuant thereto if during the calendar year in which such determination is made a law increasing the exempt amount or providing a general benefit increase under this title (as defined in section 215(i)(3)) is enacted."

Effective date.

(c) The amendments made by this section shall apply with respect to taxable years ending after December 1972.

EXCLUSION OF CERTAIN EARNINGS IN YEAR OF ATTAINING AGE 72

SEC. 106. (a) The first sentence of section 203(f)(3) of the Social Security Act (as amended by section 105(a)(3) of this Act) is further amended by inserting before the period at the end thereof the following: ", except that, in determining an individual's excess earnings for the taxable year in which he attains age 72, there shall be excluded any earnings of such individual for the month in which he attains such age and any subsequent month (with any net earnings or net loss from self-employment in such year being prorated in an equitable manner under regulations of the Secretary)".

(b) The amendment made by subsection (a) shall apply with respect to taxable years ending after December 1972. Effective date.

REDUCED BENEFITS FOR WIDOWERS AT AGE 60

SEC. 107. (a) Section 202(f) of the Social Security Act (as amended by section 102(b) of this Act) is further amended—

(1) by striking out "age 62" each place it appears in subparagraph (B) of paragraph (1) and in paragraph (6) and inserting in lieu thereof "age 60";

(2) by striking out "or the third month" in the matter following subparagraph (G) in paragraph (1) and inserting in lieu thereof "or, if he became entitled to such benefits before he attained age 60, the third month"; and

(3) by striking out "the age of 62" in paragraph (5) and inserting in lieu thereof "the age of 60".

(b)(1) The last sentence of section 203(c) of such Act (as amended by section 102(c)(1) of this Act) is further amended by striking out "age 62" and inserting in lieu thereof "age 60".

(2) Clause (D) of section 203(f)(1) of such Act as amended by section 102(c)(2) of this Act) is further amended by striking out "age 62" and inserting in lieu thereof "age 60". *Ante*, p. 1336.

(3) Section 222(b)(1) of such Act is amended by striking out "a widow or surviving divorced wife who has not attained age 60, a widower who has not attained age 62" and inserting in lieu thereof "a widow, widower or surviving divorced wife who has not attained age 60". 42 USC 422.

(4) Section 222(d)(1)(D) of such Act is amended by striking out "age 62" each place it appears and inserting in lieu thereof "age 60". 81 Stat. 832; *Post*, p. 1360.

(5) Section 225 of such Act is amended by striking out "age 62" and inserting in lieu thereof "age 60". 42 USC 425.

(c) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1972, except that in the case of an individual who was not entitled to a monthly benefit under title II of such Act for December 1972 such amendments shall apply only on the basis of an application filed in or after the month in which this Act is enacted. Effective date. 53 Stat. 1362. 42 USC 401.

ENTITLEMENT TO CHILD'S INSURANCE BENEFITS BASED ON DISABILITY WHICH BEGAN BETWEEN AGE 18 AND 22

SEC. 108. (a) Clause (ii) of section 202(d)(1)(B) of the Social Security Act is amended by striking out "which began before he attained the age of eighteen" and inserting in lieu thereof "which began before he attained the age of 22". 79 Stat. 370. 42 USC 402.

(b) Subparagraphs (F) and (G) of section 202(d)(1) of such Act are amended to read as follows:

"(F) if such child was not under a disability (as so defined) at the time he attained the age of 18, the earlier of—

"(i) the first month during no part of which he is a full-time student, or

"(ii) the month in which he attains the age of 22,

but only if he was not under a disability (as so defined) in such earlier month; or

"(G) if such child was under a disability (as so defined) at the time he attained the age of 18, or if he was not under a disability (as so defined) at such time but was under a disability (as so defined) at or prior to the time he attained (or would attain) the

age of 22, the third month following the month in which he ceases to be under such disability or (if later) the earlier of—

"(i) the first month during no part of which he is a full-time student, or

"(ii) the month in which he attains the age of 22,

but only if he was not under a disability (as so defined) in such earlier month."

Ante, p. 1343.

(c) Section 202(d)(1) of such Act is further amended by adding at the end thereof the following new sentence: "No payment under this paragraph may be made to a child who would not meet the definition of disability in section 223(d) except for paragraph (1)(B) thereof for any month in which he engages in substantial gainful activity."

81 Stat. 868.
42 USC 423.

42 USC 402.

(d) Section 202(d)(6) of such Act is amended by striking out "in which he is a full-time student and has not attained the age of 22" and all that follows and inserting in lieu thereof "in which he—

"(A)(i) is a full-time student or is under a disability (as defined in section 223(d)), and (ii) had not attained the age of 22, or

"(B) is under a disability (as so defined) which began before the close of the 84th month following the month in which his most recent entitlement to child's insurance benefits terminated because he ceased to be under such disability,

but only if he has filed application for such reentitlement. Such reentitlement shall end with the month preceding whichever of the following first occurs:

"(C) the first month in which an event specified in paragraph (1)(D) occurs;

"(D) the earlier of (i) the first month during no part of which he is a full-time student or (ii) the month in which he attains the age of 22, but only if he is not under a disability (as so defined) in such earlier month; or

"(E) if he was under a disability (as so defined), the third month following the month in which he ceases to be under such disability or (if later) the earlier of—

"(i) the first month during no part of which he is a full-time student, or

"(ii) the month in which he attains the age of 22."

(e) Section 202(s) of such Act is amended—

(1) by striking out "which began before he attained such age" in paragraph (1); and

(2) by striking out "which began before such child attained the age of 18" in paragraphs (2) and (3).

Effective dates.

(f) The amendments made by this section shall apply only with respect to monthly benefits under section 202 of the Social Security Act for months after December 1972 except that in the case of an individual who was not entitled to a monthly benefit under such section 202 for December 1972 such amendments shall apply only on the basis of an application filed after September 30, 1972.

(g) Where—

Post, p. 1351.

(1) one or more persons are entitled (without the application of sections 202(j)(1) and 223(b) of the Social Security Act) to monthly benefits under section 202 or 223 of such Act for December 1972 on the basis of the wages and self-employment income of an insured individual, and

(2) one or more persons (not included in paragraph (1)) are entitled to monthly benefits under such section 202 or 223 for January 1973 solely by reason of the amendments made by this section on the basis of such wages and self-employment income, and

(3) the total of benefits to which all persons are entitled under such sections 202 and 223 on the basis of such wages and self-employment income for January 1973 is reduced by reason of section 203(a) of such Act as amended by this Act (or would, but for the penultimate sentence of such section 203(a), be so reduced),

42 USC 402, 423.

Ante, p. 410.

then the amount of the benefit to which each person referred to in paragraph (1) of this subsection is entitled for months after December 1972 shall be adjusted, after the application of such section 203(a), to an amount no less than the amount it would have been if the person or persons referred to in paragraph (2) of this subsection were not entitled to a benefit referred to in such paragraph (2).

CONTINUATION OF CHILD'S BENEFITS THROUGH END OF SEMESTER

SEC. 109. (a) Paragraph (7) of section 202(d) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

79 Stat. 371.
42 USC 402.

"(D) A child who attains age 22 at a time when he is a full-time student (as defined in subparagraph (A) of this paragraph and without application of subparagraph (B) of such paragraph) but has not (at such time) completed the requirements for, or received, a degree from a four-year college or university shall be deemed (for purposes of determining whether his entitlement to benefits under this subsection has terminated under paragraph (1)(F) and for purposes of determining his initial entitlement to such benefits under clause (i) of paragraph (1)(B)) not to have attained such age until the first day of the first month following the end of the quarter or semester in which he is enrolled at such time (or, if the educational institution (as defined in this paragraph) in which he is enrolled is not operated on a quarter or semester system, until the first day of the first month following the completion of the course in which he is so enrolled or until the first day of the third month beginning after such time, whichever first occurs)."

(b) The amendment made by subsection (a) shall apply only with respect to benefits payable under title II of the Social Security Act for months after December 1972.

Effective date.
53 Stat. 1362.
42 USC 401.

CHILD'S BENEFITS IN CASE OF CHILD ENTITLED ON MORE THAN ONE WAGE RECORD

SEC. 110. (a) Section 202(k)(2)(A) of the Social Security Act is amended to read as follows:

64 Stat. 482.

"(2)(A) Any child who under the preceding provisions of this section is entitled for any month to child's insurance benefits on the wages and self-employment income of more than one insured individual shall, notwithstanding such provisions, be entitled to only one of such child's insurance benefits for such month. Such child's insurance benefits for such month shall be the benefit based on the wages and self-employment income of the insured individual who has the greatest primary insurance amount, except that such child's insurance benefits for such month shall be the largest benefit to which such child could be entitled under subsection (d) (without the application of section 203(a)) or subsection (m) if entitlement to such benefit would not, with respect to any person, result in a benefit lower (after the application of section 203(a)) than the benefit which would be applicable if such child were entitled on the wages and self-employment income of the individual with the greatest primary insurance amount. Where more than one

child is entitled to child's insurance benefits pursuant to the preceding provisions of this paragraph, each such child who is entitled on the wages and self-employment income of the same insured individuals shall be entitled on the wages and self-employment income of the same such insured individual."

Effective date.
53 Stat. 1362.
42 USC 401.

(b) The amendment made by subsection (a) shall apply only with respect to monthly benefits under title II of the Social Security Act for months after December 1972.

ADOPTIONS BY DISABILITY AND OLD-AGE INSURANCE BENEFICIARIES

Ante, pp. 1343-1345.

SEC. 111. (a) Section 202(d) of the Social Security Act is amended by striking out paragraphs (8) and (9) and inserting in lieu thereof the following new paragraph:

"(8) In the case of—

"(A) an individual entitled to old-age insurance benefits (other than an individual referred to in subparagraph (B)), or

"(B) an individual entitled to disability insurance benefits, or an individual entitled to old-age insurance benefits who was entitled to disability insurance benefits for the month preceding the first month for which he was entitled to old-age insurance benefits,

a child of such individual adopted after such individual became entitled to such old-age or disability insurance benefits shall be deemed not to meet the requirements of clause (i) or (iii) of paragraph (1)(C) unless such child—

"(C) is the natural child or stepchild of such individual (including such a child who was legally adopted by such individual), or

"(D) (i) was legally adopted by such individual in an adoption decreed by a court of competent jurisdiction within the United States,

"(ii) was living with such individual in the United States and receiving at least one-half of his support from such individual (I) if he is an individual referred to in subparagraph (A), for the year immediately before the month in which such individual became entitled to old-age insurance benefits or, if such individual had a period of disability which continued until he had become entitled to old-age insurance benefits, the month in which such period of disability began, or (II) if he is an individual referred to in subparagraph (B), for the year immediately before the month in which began the period of disability of such individual which still exists at the time of adoption (or, if such child was adopted by such individual after such individual attained age 65, the period of disability of such individual which existed in the month preceding the month in which he attained age 65), or the month in which such individual became entitled to disability insurance benefits, and

"(iii) had not attained the age of 18 before he began living with such individual.

In the case of a child who was born in the one-year period during which such child must have been living with and receiving at least one-half of his support from such individual, such child shall be deemed to meet such requirements for such period if, as of the close of such period, such child has lived with such individual in the United States and received at least one-half of his support from such individual for substantially all of the period which begins on the date of birth of such child."

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1967 on the basis of an application filed in or after the month in which this Act is enacted; except that such amendments shall not apply with respect to benefits for any month before the month in which this Act is enacted unless such application is filed before the close of the sixth month after the month in which this Act is enacted.

Effective date.
53 Stat. 1362.
42 USC 401.

CHILD'S INSURANCE BENEFITS NOT TO BE TERMINATED BY REASON OF ADOPTION

SEC. 112. (a) Paragraph (1)(D) of section 202(d) of the Social Security Act is amended by striking out "marries" and all that follows and inserting in lieu thereof "or marries,".

79 Stat. 371.
42 USC 402.

(b) The amendment made by subsection (a) shall apply only with respect to monthly benefits under title II of the Social Security Act for months beginning with the month in which this Act is enacted.

Effective date.

(c) Any child—

(1) whose entitlement to child's insurance benefits under section 202(d) of the Social Security Act was terminated by reason of his adoption, prior to the date of the enactment of this Act, and

(2) who, except for such adoption, would be entitled to child's insurance benefits under such section for a month after the month in which this Act is enacted,

may, upon filing application for child's insurance benefits under the Social Security Act after the date of enactment of this Act, become reentitled to such benefits; except that no child shall, by reason of the enactment of this section, become reentitled to such benefits for any month prior to the month after the month in which this Act is enacted.

BENEFITS FOR CHILD BASED ON EARNINGS RECORD OF GRANDPARENT

SEC. 113. (a) The first sentence of section 216(e) of the Social Security Act is amended—

74 Stat. 950.
42 USC 416.

(1) by striking out "and" at the end of clause (1), and

(2) by inserting immediately before the period at the end thereof the following: ", and (3) a person who is the grandchild or stepgrandchild of an individual or his spouse, but only if (A) there was no natural or adoptive parent (other than such a parent who was under a disability, as defined in section 223(d)) of such person living at the time (i) such individual became entitled to old-age insurance benefits or disability insurance benefits or died, or (ii) if such individual had a period of disability which continued until such individual became entitled to old-age insurance benefits or disability insurance benefits, or died, at the time such period of disability began, or (B) such person was legally adopted after the death of such individual by such individual's surviving spouse in an adoption that was decreed by a court of competent jurisdiction within the United States and such person's natural or adopting parent or stepparent was not living in such individual's household and making regular contributions toward such person's support at the time such individual died".

42 USC 423.

(b) Section 202(d) of such Act (as amended by section 111 of this Act) is further amended by adding at the end thereof the following new paragraph:

Ante, p. 1346.

"(9)(A) A child who is a child of an individual under clause (3) of the first sentence of section 216(e) and is not a child of such individual under clause (1) or (2) of such first sentence shall be deemed not to be dependent on such individual at the time specified in subparagraph (1)(C) of this subsection unless (i) such child was living with such individual in the United States and receiving at least one-half of his support from such individual (I) for the year immediately before the month in which such individual became entitled to old-age insurance benefits or disability insurance benefits or died, or (II) if such individual had a period of disability which continued until he had become entitled to old-age insurance benefits, or disability insurance benefits, or died, for the year immediately before the month in which such period of disability began, and (ii) the period during which such child was living with such individual began before the child attained age 18.

"(B) In the case of a child who was born in the one-year period during which such child must have been living with and receiving at least one-half of his support from such individual, such child shall be deemed to meet such requirements for such period if, as of the close of such period, such child has lived with such individual in the United States and received at least one-half of his support from such individual for substantially all of the period which begins on the date of such child's birth."

Ante, p. 1347.

42 USC 416.

Effective date.

53 Stat. 1362.
42 USC 401.

(c) The amendments made by this section shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1972, but only on the basis of applications filed on or after the date of the enactment of this Act.

ELIMINATION OF SUPPORT REQUIREMENT AS CONDITION OF BENEFITS FOR DIVORCED AND SURVIVING DIVORCED WIVES

79 Stat. 375.
42 USC 402.

SEC. 114. (a) Section 202(b)(1) of the Social Security Act is further amended—

(1) by adding "and" at the end of subparagraph (C),

(2) by striking out subparagraph (D), and

(3) by redesignating subparagraphs (E) through (L) as subparagraphs (D) through (K), respectively.

(b)(1) Section 202(e)(1) of such Act (as amended by section 102(a) of this Act) is further amended—

Ante, p. 1335.

(A) by adding "and" at the end of subparagraph (C),

(B) by striking out subparagraph (D), and

(C) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively.

81 Stat. 829;
Post, p. 1350.

(2) Section 202(e)(6) of such Act is amended by striking out "paragraph (1)(G)" and inserting in lieu thereof "paragraph (1)(F)".

79 Stat. 378.

(c) Section 202(g)(1)(F) of such Act is amended by striking out clause (i), and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

Effective date.

(d) The amendments made by this section shall apply only with respect to benefits payable under title II of the Social Security Act for months after December 1972 on the basis of applications filed on or after the date of enactment of this Act.

(e) Where—

(1) one or more persons are entitled (without the application of sections 202(j)(1) and 223(b) of the Social Security Act) to monthly benefits under section 202 or 223 of such Act for December 1972 on the basis of the wages and self-employment income of an insured individual, and

Post, p. 1351.
42 USC 423.

(2) one or more persons (not included in paragraph (1)) are entitled to monthly benefits under such section 202(g) as a surviving divorced mother (as defined in section 216(d)(3)) for a month after December 1972 on the basis of such wages and self-employment income, and

(3) the total of benefits to which all persons are entitled under such section 202 and 223 on the basis of such wages and self-employment income for any month after December 1972 is reduced by reason of section 203(a) of such Act as amended by this Act (or would, but for the penultimate sentence of such section 203(a), be so reduced),

Ante, p. 1348. 79 Stat. 377. 42 USC 416. 42 USC 402, 423. *Ante*, pp. 1334, 1340; *Post*, p. 1370.

then the amount of the benefit to which each person referred to in paragraph (1) of this subsection is entitled beginning with the first month after December 1972 for which any person referred to in paragraph (2) becomes entitled shall be adjusted, after the application of such section 203(a), to an amount no less than the amount it would have been if the person or persons referred to in paragraph (2) of this subsection were not entitled to a benefit referred to in such paragraph (2).

WAIVER OF DURATION-OF-RELATIONSHIP REQUIREMENT FOR WIDOW, WIDOWER, OR STEPCHILD IN CASE OF REMARRIAGE TO THE SAME INDIVIDUAL

SEC. 115. (a) The heading of section 216(k) of the Social Security Act is amended by adding at the end thereof ", or in Case of Remarriage to the Same Individual".

81 Stat. 866; *Post*, p. 1370. 42 USC 416.

(b) Section 216(k) of such Act is amended by striking out "if his death—" and all that follows and inserting in lieu thereof "if—

"(1) his death—

"(A) is accidental, or

"(B) occurs in line of duty while he is a member of a uniformed service serving on active duty (as defined in section 210(l)(2)),

42 USC 410.

and he would satisfy such requirement if a three-month period were substituted for the nine-month period, or

"(2)(A) the widow or widower of such individual had been previously married to such individual and subsequently divorced and such requirement would have been satisfied at the time of such divorce if such previous marriage had been terminated by the death of such individual at such time instead of by divorce; or

"(B) the stepchild of such individual had been the stepchild of such individual during a previous marriage of such stepchild's parent to such individual which ended in divorce and such requirement would have been satisfied at the time of such divorce if such previous marriage had been terminated by the death of such individual at such time instead of by divorce;

except that this subsection shall not apply if the Secretary determines that at the time of the marriage involved the individual could not have reasonably been expected to live for nine months. For purposes of paragraph (1)(A) of this subsection, the death of an individual is accidental if he receives bodily injuries solely through violent, external, and accidental means and, as a direct result of the bodily injuries and independently of all other causes, loses his life not later than three months after the day on which he receives such bodily injuries."

(c) The amendments made by this section shall apply only with respect to benefits payable under title II of the Social Security Act for months after December 1972 on the basis of applications filed in or after the month in which this Act is enacted.

Effective date. 53 Stat. 1362. 42 USC 401.

REDUCTION FROM 6 TO 5 MONTHS OF WAITING PERIOD FOR DISABILITY BENEFITS

42 USC 423.

SEC. 116. (a) Section 223(c)(2) of the Social Security Act is amended—

(1) by striking out "six" and inserting in lieu thereof "five", and

(2) by striking out "eighteenth" each place it appears and inserting in lieu thereof "seventeenth".

Ante, p. 1348.

(b) Section 202(e)(6) of such Act is amended—

(1) by striking out "six" and inserting in lieu thereof "five",

(2) by striking out "eighteenth" and inserting in lieu thereof "seventeenth", and

(3) by striking out "sixth" and inserting in lieu thereof "fifth".

81 Stat. 830.
42 USC 402.

(c) Section 202(f)(7) of such Act is amended—

(1) by striking out "six" and inserting in lieu thereof "five",

(2) by striking out "eighteenth" and inserting in lieu thereof "seventeenth", and

(3) by striking out "sixth" and inserting in lieu thereof "fifth".

79 Stat. 367.
42 USC 416.

(d) Section 216(i)(2)(A) of such Act is amended by striking out "6" and inserting in lieu thereof "five".

(e) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, applications for widow's and widower's insurance benefits based on disability under section 202 of such Act, and applications for disability determinations under section 216(i) of such Act, filed—

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month;

42 USC 405.

except that no monthly benefits under title II of the Social Security Act shall be payable or increased by reason of the amendments made by this section for any month before January 1973.

53 Stat. 1362.
42 USC 401.

ELIMINATION OF DISABILITY INSURED-STATUS REQUIREMENT OF SUBSTANTIAL RECENT COVERED WORK IN CASE OF INDIVIDUALS WHO ARE BLIND

42 USC 416.

SEC. 117. (a) The first sentence of section 216(i)(3) of the Social Security Act is amended by striking out all that follows subparagraph (B) and inserting in lieu thereof the following:

"except that the provisions of subparagraph (B) of this paragraph shall not apply in the case of an individual who is blind (within the meaning of 'blindness' as defined in paragraph (1))."

(b) Section 223(c)(1) of such Act is amended by striking out "coverage." in subparagraph (B)(ii) and inserting in lieu thereof "coverage;", and by striking out "For purposes" and inserting in lieu thereof the following:

"except that the provisions of subparagraph (B) of this paragraph shall not apply in the case of an individual who is blind (within the meaning of 'blindness' as defined in section 216(i)(1)). For purposes".

(c) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed— Effective dates. 42 USC 423. *Ante*, pp. 1341, 1350; *Infra*.

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month; or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month; 42 USC 405.

except that no monthly benefits under title II of the Social Security Act shall be payable or increased by reason of the amendments made by this section for months before January 1973. 53 Stat. 1362. 42 USC 401.

APPLICATIONS FOR DISABILITY INSURANCE BENEFITS FILED AFTER DEATH OF INSURED INDIVIDUAL

SEC. 118. (a)(1) Section 223(a)(1) of the Social Security Act is amended by adding at the end thereof the following new sentence: "In the case of a deceased individual, the requirement of subparagraph (C) may be satisfied by an application for benefits filed with respect to such individual within 3 months after the month in which he died." 42 USC 423.

(2) Section 223(a)(2) of such Act is amended by striking out "he filed his application for disability insurance benefits and was" and inserting in lieu thereof "the application for disability insurance benefits was filed and he was". *Ante*, p. 1340.

(3) The third sentence of section 223(b) of such Act is amended by striking out "if he files such application" and inserting in lieu thereof "if such application is filed".

(4) Section 223(c)(2)(A) of such Act is amended by striking out "who files such application" and inserting in lieu thereof "with respect to whom such application is filed". *Ante*, p. 1350.

(b) Section 216(i)(2)(B) of such Act is amended by adding at the end thereof the following new sentence: "In the case of a deceased individual, the requirement of an application under the preceding sentence may be satisfied by an application for a disability determination filed with respect to such individual within 3 months after the month in which he died." 42 USC 416.

(c) The amendments made by this section shall apply in the case of deaths occurring after December 31, 1969. For purposes of such amendments (and for purposes of sections 202(j)(1) and 223(b) of the Social Security Act), any application with respect to an individual whose death occurred after December 31, 1969, but before the date of the enactment of this Act which is filed in, or within 3 months after the month in which this Act is enacted shall be deemed to have been filed in the month in which such death occurred. Effective dates. 42 USC 402, 423.

WORKMEN'S COMPENSATION OFFSET FOR DISABILITY INSURANCE BENEFICIARIES

SEC. 119. (a) The next to last sentence of section 224(a) of the Social Security Act is amended— 42 USC 424a.

(1) by striking out "larger" and inserting in lieu thereof "largest",

(2) by striking out "or" before "(B)", and

(3) by inserting before the period at the end thereof the following: ", or (C) one-twelfth of the total of his wages and self-employment income (computed without regard to the limitations specified in sections 209(a) and 211(b)(1)) for the calendar year in which he had the highest such wages and income during the period consisting of the calendar year in which he became disabled (as defined in section 223(d)) and the five years preceding that year".

Ante, p. 417, 418.

42 USC 423.

(b) The last sentence of section 224(a) of such Act is amended by striking out "clause (B)" and inserting in lieu thereof "clauses (B) and (C)".

Effective date.

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1972.

53 Stat. 1362. 42 USC 401.

WAGE CREDITS FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. 120. (a) Subsection 229(a) of the Social Security Act is amended— 81 Stat. 833. 42 USC 429.

(1) by striking out "after December 1967" and inserting in lieu thereof "after December 1972";

(2) by striking out "after 1967" and inserting in lieu thereof "after 1956"; and

(3) by striking out all that follows "(in addition to the wages actually paid to him for such service)" and inserting in lieu thereof "of $300."

Effective date.

(b) The amendments made by subsection (a) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1972 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1972 except that, in the case of any individual who is entitled, on the basis of the wages and self-employment income of any individual to whom section 229 of such Act applies, to monthly benefits under title II of such Act for the month in which this Act is enacted, such amendments shall apply (1) only if a written request for a recalculation of such benefits (by reason of such amendments) under the provisions of section 215 (b) and (d) of such Act, as in effect at the time such request is filed, is filed by such individual, or any other individual, entitled to benefits under such title II on the basis of such wages and self-employment income, and (2) only with respect to such benefits for months beginning with whichever of the following is later: January 1973 or the twelfth month before the month in which such request was filed. Recalculations of benefits as required to carry out the provisions of this section shall be made notwithstanding the provisions of section 215(f)(1) of the Social Security Act, and no such recalculation shall be regarded as a recomputation for purposes of section 215(f) of such Act.

42 USC 429. 42 USC 401. 42 USC 415.

OPTIONAL DETERMINATION OF SELF-EMPLOYMENT EARNINGS

SEC. 121. (a)(1) Section 211(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph: *Post*, pp. 1357, 1366. 42 USC 411.

"The preceding sentence and clauses (i) through (iv) of the second preceding sentence shall also apply in the case of any trade or business (other than a trade or business specified in such second preceding sentence) which is carried on by an individual who is self-employed on a regular basis as defined in subsection (g), or by a partnership of which an individual is a member on a regular basis as defined in subsection (g), but only if such individual's net earnings from self-employment in the taxable year as determined without regard to this sentence are less than $1,600 and less than 66⅔ percent of the sum (in such taxable year) of such individual's gross income derived from all trades or businesses carried on by him and his distributive share of the income or loss from all trades or businesses carried on by all the partnerships of which he is a member; except that this sentence shall not apply to more than 5 taxable years in the case of any individual, and in no case in which an individual elects to determine the amount of his net earnings from self-employment for a taxable year under the provisions of the two preceding sentences with respect to a trade or business to which the second preceding sentence applies and with respect to a trade or business to which this sentence applies shall such net earnings for such year exceed $1,600." *Infra.*

(2) Section 211 of such Act is amended by adding at the end thereof the following new subsection: 64 Stat. 502; 72 Stat. 1036.

"Regular Basis

"(g) An individual shall be deemed to be self-employed on a regular basis in a taxable year, or to be a member of a partnership on a regular basis in such year, if he had net earnings from self-employment, as defined in the first sentence of subsection (a), of not less than $400 in at least two of the three consecutive taxable years immediately preceding such taxable year from trades or businesses carried on by such individual or such partnership."

(b)(1) Section 1402(a) of the Internal Revenue Code of 1954 (relating to definition of net earnings from self-employment) is amended by adding at the end thereof the following new paragraph: *Post*, pp. 1357, 1366. 26 USC 1402.

"The preceding sentence and clauses (i) through (iv) of the second preceding sentence shall also apply in the case of any trade or business (other than a trade or business specified in such second preceding sentence) which is carried on by an individual who is self-employed on a regular basis as defined in subsection (i), or by a partnership of which an individual is a member on a regular basis as defined in subsection (i), but only if such individual's net earnings from self-employment as determined without regard to this sentence in the taxable year are less than $1,600 and less than 66⅔ percent of the sum (in such taxable year) of such individual's gross income derived from all trades or businesses carried on by him and his distributive share of the income or loss from all trades or businesses carried on by all the partnerships of which he is a member; except that this sentence shall not apply to more than 5 taxable years in the case of any individual, and in no case in which an individual elects to determine the amount of his net earnings from self-employment for a taxable year under the provisions of the two preceding sentences with respect to a trade or business to which the second preceding sentence applies and with respect to a trade or business to which this sentence applies shall such net earnings for such year exceed $1,600."

68A Stat. 353; 79 Stat. 391. 26 USC 1402. 26 USC 1401-1403.

(2) Section 1402 of such Code (definitions relating to Self-Employment Contributions Act of 1954) is amended by adding at the end thereof the following new subsection:

"Regular Basis

"(i) An individual shall be deemed to be self-employed on a regular basis in a taxable year, or to be a member of a partnership on a regular basis in such year, if he had net earnings from self-employment, as defined in the first sentence of subsection (a), of not less than $400 in at least two of the three consecutive taxable years immediately preceding such taxable year from trades or businesses carried on by such individual or such partnership."

Effective date.

(c) The amendments made by this section shall apply only with respect to taxable years beginning after December 31, 1972.

PAYMENTS BY EMPLOYER TO SURVIVOR OR ESTATE OF FORMER EMPLOYEE

64 Stat. 492; 81 Stat. 935. 42 USC 409.

SEC. 122. (a) Section 209 of the Social Security Act is amended by striking out "or" at the end of subsection (l), by striking out the period at the end of subsection (m) and inserting in lieu thereof "; or", and by inserting after subsection (m) the following new subsection:

"(n) Any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died."

68A Stat. 417; 81 Stat. 934. 26 USC 3121.

(b) Section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended by striking out "or" at the end of paragraph (12), by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and by inserting after paragraph (13) the following new paragraph:

"(14) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died."

Effective date.

(c) The amendments made by this section shall apply in the case of any payment made after December 1972.

COVERAGE FOR VOW-OF-POVERTY MEMBERS OF RELIGIOUS ORDERS

64 Stat. 494; 68 Stat. 1052. 42 USC 410.

SEC. 123. (a)(1) Section 210(a)(8)(A) of the Social Security Act is amended by inserting before the semicolon at the end thereof the following: ", except that this subparagraph shall not apply to service performed by a member of such an order in the exercise of such duties, if an election of coverage under section 3121(r) of the Internal Revenue Code of 1954 is in effect with respect to such order, or with respect to the autonomous subdivision thereof to which such member belongs".

Infra.

(2) Section 3121(b)(8)(A) of the Internal Revenue Code of 1954 (relating to definition of employment) is amended by inserting before the semicolon at the end thereof the following: ", except that this subparagraph shall not apply to service performed by a member of such an order in the exercise of such duties, if an election of coverage under subsection (r) is in effect with respect to such order, or with respect to the autonomous subdivision thereof to which such member belongs".

Supra.

26 USC 3101.

(b) Section 3121 of such Code (definitions relating to Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:

"(r) ELECTION OF COVERAGE BY RELIGIOUS ORDERS.—

"(1) CERTIFICATE OF ELECTION BY ORDER.—A religious order whose members are required to take a vow of poverty, or any

autonomous subdivision of such order, may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations under this chapter) electing to have the insurance system established by title II of the Social Security Act extended to services performed by its members in the exercise of duties required by such order or such subdivision thereof. Such certificate of election shall provide that— 42 USC 401.

"(A) such election of coverage by such order or subdivision shall be irrevocable;

"(B) such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision;

"(C) all services performed by a member of such an order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision; and

"(D) the wages of each member, upon which such order or subdivision shall pay the taxes imposed by sections 3101 and 3111, will be determined as provided in subsection (i)(4). *Post*, pp. 1362-1364.

"(2) DEFINITION OF MEMBER.—For purposes of this subsection, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order and who performs tasks usually required (and to the extent usually required) of an active member of such order and who is not considered retired because of old age or total disability.

"(3) EFFECTIVE DATE FOR ELECTION.—(A) A certificate of election of coverage shall be in effect, for purposes of subsection (b)(8)(A) and for purposes of section 210(a)(8)(A) of the Social Security Act, for the period beginning with whichever of the following may be designated by the order or subdivision thereof: *Ante*, p. 1354.

"(i) the first day of the calendar quarter in which the certificate is filed,

"(ii) the first day of the calendar quarter succeeding such quarter, or

"(iii) the first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the twentieth calendar quarter preceding the quarter in which such certificate is filed.

Whenever a date is designated under clause (iii), the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed.

"(B) If a certificate of election filed pursuant to this subsection is effective for one or more calendar quarters prior to the quarter in which such certificate is filed, then—

"(i) for purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for such prior calendar quarters resulting from the filing of such certificate shall be the last day of the calendar month following the calendar quarter in which the certificate is filed; and 26 USC 6651.

"(ii) the statutory period for the assessment of such tax shall not expire before the expiration of 3 years from such due date.

"(4) COORDINATION WITH COVERAGE OF LAY EMPLOYEES.—Notwithstanding the preceding provisions of this subsection, no certificate of election shall become effective with respect to an order or subdivision thereof, unless—

"(A) if at the time the certificate of election is filed a certificate of waiver of exemption under subsection (k) is in effect with respect to such order or subdivision, such order or subdivision amends such certificate of waiver of exemption (in such form and manner as may be prescribed by regulations made under this chapter) to provide that it may not be revoked, or

"(B) if at the time the certificate of election is filed a certificate of waiver of exemption under such subsection is not in effect with respect to such order or subdivision, such order or subdivision files such certificate of waiver of exemption under the provisions of such subsection except that such certificate of waiver of exemption cannot become effective at a later date than the certificate of election and such certificate of waiver of exemption must specify that such certificate of waiver of exemption may not be revoked. The certificate of waiver of exemption required under this subparagraph shall be filed notwithstanding the provisions of subsection (k)(3)."

Ante, p. 1354; *Post*, p. 1365.

(c)(1) Section 209 of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"Wages."

"For purposes of this title, in any case where an individual is a member of a religious order (as defined in section 3121(r)(2) of the Internal Revenue Code of 1954) performing service in the exercise of duties required by such order, and an election of coverage under section 3121(r) of such Code is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs, the term 'wages' shall, subject to the provisions of subsection (a) of this section, include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision thereof or by any other person or organization pursuant to an agreement with such order or subdivision, except that the amount included as such individual's remuneration under this paragraph shall not be less than $100 a month."

Ante, p. 1354.

70 Stat. 878; 75 Stat. 626. 26 USC 3121.

(2) Section 3121(i) of the Internal Revenue Code of 1954 (relating to computation of wages in certain cases) is amended by adding at the end thereof the following new paragraph:

"Wages."

"(4) SERVICE PERFORMED BY CERTAIN MEMBERS OF RELIGIOUS ORDERS.—For purposes of this chapter, in any case where an individual is a member of a religious order (as defined in subsection (r)(2)) performing service in the exercise of duties required by such order, and an election of coverage under subsection (r) is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs, the term 'wages' shall, subject to the provisions of subsection (a)(1), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such

order or subdivision thereof or by any other person or organization pursuant to an agreement with such order or subdivision, except that the amount included as such individual's remuneration under this paragraph shall not be less than $100 a month."

SELF-EMPLOYMENT INCOME OF CERTAIN INDIVIDUALS TEMPORARILY LIVING OUTSIDE THE UNITED STATES

SEC. 124. (a) Section 211(a) of the Social Security Act is amended— *Ante*, p. 1353.

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) In the case of an individual who has been a resident of the United States during the entire taxable year, the exclusion from gross income provided by section 911(a)(2) of the Internal Revenue Code of 1954 shall not apply." 26 USC 911.

(b) Section 1402(a) of the Internal Revenue Code of 1954 (relating to definition of net earnings from self-employment) is amended— Ante, p. 1353; *Post*, p. 1366.

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (10) the following new paragraph:

"(11) in the case of an individual who has been a resident of the United States during the entire taxable year, the exclusion from gross income provided by section 911(a)(2) shall not apply."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972. Effective date.

COVERAGE OF FEDERAL HOME LOAN BANK EMPLOYEES

SEC. 125. (a) The provisions of section 210(a)(6)(B)(ii) of the Social Security Act and section 3121(b)(6)(B)(ii) of the Internal Revenue Code of 1954, insofar as they relate to service performed in the employ of a Federal home loan bank, shall be effective— 42 USC 410. 26 USC 3121.

(1) with respect to all service performed in the employ of a Federal home loan bank on and after the first day of the first calendar quarter which begins on or after the date of the enactment of this Act; and

(2) in the case of individuals who are in the employ of a Federal home loan bank on such first day, with respect to any service performed in the employ of a Federal home loan bank after the last day of the sixth calendar year preceding the year in which this Act is enacted; but this paragraph shall be effective only if an amount equal to the taxes imposed by sections 3101 and 3111 of such Code with respect to the services of all such individuals performed in the employ of Federal home loan banks after the last day of the sixth calendar year preceding the year in which this Act is enacted are paid under the provisions of section 3122 of such Code by July 1, 1973, or by such later date as may be provided in an agreement entered into before such date with the Secretary of the Treasury or his delegate for purposes of this paragraph. *Post*, pp. 1362-1364. *Ante*, p. 419.

(b) Subparagraphs (A)(i) and (B) of section 104(i)(2) of the Social Security Amendments of 1956 are repealed. Repeal. 42 USC 410 note.

POLICEMEN AND FIREMEN IN IDAHO

42 USC 418.

SEC. 126. Section 218(p)(1) of the Social Security Act is amended by inserting "Idaho," after "Hawaii,".

COVERAGE OF CERTAIN HOSPITAL EMPLOYEES IN NEW MEXICO

SEC. 127. Notwithstanding any provisions of section 218 of the Social Security Act, the Agreement with the State of New Mexico heretofore entered into pursuant to such section may at the option of such State be modified at any time prior to the first day of the fourth month after the month in which this Act is enacted, so as to apply to the services of employees of a hospital which is an integral part of a political subdivision to which an agreement under this section has not been made applicable, as a separate coverage group within the meaning of section 218(b)(5) of such Act, but only if such hospital has prior to 1966 withdrawn from a retirement system which had been applicable to the employees of such hospital.

COVERAGE OF CERTAIN EMPLOYEES OF THE GOVERNMENT OF GUAM

42 USC 410.

SEC. 128. (a) Section 210(a)(7) of the Social Security Act is amended by striking out "or" at the end of subparagraph (C), by striking out the semicolon at the end of subparagraph (D) and inserting in lieu thereof ", or", and by adding at the end thereof the following new subparagraph:

"(E) service performed in the employ of the Government of Guam (or any instrumentality which is wholly owned by such Government) by an employee properly classified as a temporary or intermittent employee, if such service is not covered by a retirement system established by a law of Guam; except that (i) the provisions of this subparagraph shall not be applicable to services performed by an elected official or a member of the legislature or in a hospital or penal institution by a patient or inmate thereof, and (ii) for purposes of this subparagraph, clauses (i) and (ii) of subparagraph (C) shall apply;".

74 Stat. 938; 79 Stat. 388. 26 USC 3121.

(b) Section 3121(b)(7) of the Internal Revenue Code of 1954 is amended by striking out "or" at the end of subparagraph (B), by striking out the semicolon at the end of subparagraph (C) and inserting in lieu thereof ", or", and by adding at the end thereof the following new subparagraph:

"(D) service performed in the employ of the Government of Guam (or any instrumentality which is wholly owned by such Government) by an employee properly classified as a temporary or intermittent employee, if such service is not covered by a retirement system established by a law of Guam; except that (i) the provisions of this subparagraph shall not be applicable to services performed by an elected official or a member of the legislature or in a hospital or penal institution by a patient or inmate thereof, and (ii) for purposes of this subparagraph, clauses (i) and (ii) of subparagraph (B) shall apply;".

Effective date.

(c) The amendments made by this section shall apply with respect to service performed on and after the first day of the first calendar quarter which begins on or after the date of the enactment of this Act.

COVERAGE EXCLUSION OF STUDENTS EMPLOYED BY NONPROFIT ORGANIZATIONS AUXILIARY TO SCHOOLS, COLLEGES, AND UNIVERSITIES

SEC. 129. (a)(1) Section 210(a)(10)(B) of the Social Security Act is amended to read as follows: 42 USC 410.

"(B) Service performed in the employ of—

"(i) a school, college, or university, or

"(ii) an organization described in section 509(a)(3) of the Internal Revenue Code of 1954 if the organization is organized, and at all times thereafter is operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of a school, college, or university and is operated, supervised, or controlled by or in connection with such school, college, or university, unless it is a school, college, or university of a State or a political subdivision thereof and the services in its employ performed by a student referred to in section 218(c)(5) are covered under the agreement between the Secretary of Health, Education, and Welfare and such State entered into pursuant to section 218; 26 USC 509. 42 USC 418.

if such service is performed by a student who is enrolled and regularly attending classes at such school, college, or university;".

(2) Section 3121(b)(10)(B) of the Internal Revenue Code of 1954 is amended to read as follows: 68A Stat. 417; 68 Stat. 1091. 26 USC 3121.

"(B) service performed in the employ of—

"(i) a school, college, or university, or

"(ii) an organization described in section 509(a)(3) if the organization is organized, and at all times thereafter is operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of a school, college, or university and is operated, supervised, or controlled by or in connection with such school, college, or university, unless it is a school, college, or university of a State or a political subdivision thereof and the services performed in its employ by a student referred to in section 218(c)(5) of the Social Security Act are covered under the agreement between the Secretary of Health, Education, and Welfare and such State entered into pursuant to section 218 of such Act;

if such service is performed by a student who is enrolled and regularly attending classes at such school, college, or university;".

(b) The amendments made by subsection (a) shall apply to services performed after December 31, 1972. Effective date.

PENALTY FOR FURNISHING FALSE INFORMATION TO OBTAIN SOCIAL SECURITY ACCOUNT NUMBER FOR DECEPTIVE PRACTICES INVOLVING SOCIAL SECURITY ACCOUNT NUMBERS

SEC. 130. (a) Section 208 of the Social Security Act is amended by adding "or" after the semicolon at the end of subsection (e), and by inserting after subsection (e) the following new subsections: 72 Stat. 1034. 42 USC 408.

"(f) willfully, knowingly, and with intent to deceive the Secretary as to his true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Secretary with respect to any information required by the Secretary in connection with the establishment and maintenance of the records provided for in section 205(c)(2); or

Post, p. 1364.

"(g) for the purpose of causing an increase in any payment authorized under this title (or any other program financed in whole or in part from Federal funds), or for the purpose of causing a payment under this title (or any such other program) to be made when no payment is authorized thereunder, or for the purpose of obtaining (for himself or any other person) any payment or any other benefit to which he (or such other person) is not entitled—

"(1) willfully, knowingly, and with intent to deceive, uses a social security account number, assigned by the Secretary (in the exercise of his authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Secretary by him or by any other person; or

Post, 1364.

"(2) with intent to deceive, falsely represents a number to be the social security account number assigned by the Secretary to him or to another person, when in fact such number is not the social security account number assigned by the Secretary to him or to such other person;".

Effective date.

(b) The amendments made by subsection (a) shall apply with respect to information furnished to the Secretary after the date of the enactment of this Act.

INCREASE OF AMOUNTS IN TRUST FUNDS AVAILABLE TO PAY COSTS OF REHABILITATION SERVICES

SEC. 131. The first sentence of section 222(d)(1) of the Social Security Act (as amended by section 107(b)(4) of this Act) is further amended by striking out "except that the total amount so made available pursuant to this subsection in any fiscal year may not exceed 1 percent of the total of the benefits under section 202(d) for children who have attained age 18 and are under a disability" and inserting in lieu thereof the following: "except that the total amount so made available pursuant to this subsection may not exceed—

79 Stat. 408; *Ante*, p. 1343.

"(i) 1 percent in the fiscal year ending June 30, 1972,

"(ii) 1.25 percent in the fiscal year ending June 30, 1973,

"(iii) 1.5 percent in the fiscal year ending June 30, 1974, and thereafter,

of the total of the benefits under section 202(d) for children who have attained age 18 and are under a disability".

Ante, pp. 1343-1347.

ACCEPTANCE OF MONEY GIFTS MADE UNCONDITIONALLY TO SOCIAL SECURITY

SEC. 132. (a) The second sentence of section 201(a) of the Social Security Act is amended by inserting after "in addition," the following: "such gifts and bequests as may be made as provided in subsection (i)(1), and".

42 USC 401.

Infra.

Post, p. 1364.

(b) The second sentence of section 201(b) of such Act is amended by inserting after "consist of" the following: "such gifts and bequests as may be made as provided in subsection (i)(1), and".

(c) Section 201 of such Act is further amended by adding after subsection (h) the following new subsection:

"(i)(1) The Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal

Supplementary Medical Insurance Trust Fund is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to any one or more of such Trust Funds or to the Department of Health, Education, and Welfare, or any part or officer thereof, for the benefit of any of such Funds or any activity financed through such Funds.

"(2) Any such gift accepted pursuant to the authority granted in paragraph (1) of this subsection shall be deposited in—

"(A) the specific trust fund designated by the donor or

"(B) if the donor has not so designated, the Federal Old-Age and Survivors Insurance Trust Fund."

(d) The second sentence of section 1817(a) of such Act is amended by inserting after "consist of" and before "such amounts" the following: "such gifts and bequests as may be made as provided in section 201(i)(1), and". 79 Stat. 299. 42 USC 1395i. *Ante*, p. 1360.

(e) The second sentence of section 1841(a) of such Act is amended by inserting after "consist of" and before "such amounts" the following: "such gifts and bequests as may be made as provided in section 201(i)(1), and". 42 USC 1395t.

(f) The amendments made by this section shall apply with respect to gifts and bequests received after the date of enactment of this Act. Effective date.

(g) For the purpose of Federal income, estate, and gift taxes, any gift or bequest to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund, or to the Department of Health, Education, and Welfare, or any part or officer thereof, for the benefit of any of such Funds or any activity financed through any of such Funds, which is accepted by the Managing Trustee of such Trust Funds under the authority of section 201(i) of the Social Security Act, shall be considered as a gift or bequest to or for the use of the United States and as made for exclusively public purposes.

PAYMENT IN CERTAIN CASES OF DISABILITY INSURANCE BENEFITS WITH RESPECT TO CERTAIN PERIODS OF DISABILITY

SEC. 133. (a) If an individual would (upon the timely filing of an application for a disability determination under section 216(i) of the Social Security Act and of an application for disability insurance benefits under section 223 of such Act) have been entitled to disability insurance benefits under such section 223 for a period which began after 1959 and ended prior to 1964, such individual shall, upon filing application for disability insurance benefits under such section 223 with respect to such period not later than 6 months after the date of enactment of this section, be entitled, notwithstanding any other provision of title II of the Social Security Act, to receive in a lump sum, as disability insurance benefits payable under section 223, an amount equal to the total amounts of disability insurance benefits which would have been payable to him for such period if he had timely filed such an application for a disability determination and such an application for disability insurance benefits with respect to such period; but only if— *Ante*, pp. 1341, 1350, 1351. 42 USC 401.

(1) prior to the date of enactment of this section and after the date of enactment of the Social Security Amendments of 1967, 42 USC 302 note.

such period was determined (under section 216(i) of the Social Security Act) to be a period of disability as to such individual; and

Ante, pp. 1341, 1350, 1351.

(2) the application giving rise to the determination (under such section 216(i)) that such period is a period of disability as to such individual would not have been accepted as an application for such a determination except for the provisions of section 216(i)(2)(F).

(b) No payment shall be made to any individual by reason of the provisions of subsection (a) except upon the basis of an application filed after the date of enactment of this section.

RECOMPUTATION OF BENEFITS BASED ON COMBINED RAILROAD AND SOCIAL SECURITY EARNINGS

42 USC 415.

SEC. 134. (a) Section 215(f) of the Social Security Act is amended—

(1) by striking out subparagraph (B) of paragraph (2) and inserting in lieu thereof the following:

"(B) in the case of an individual who died in such year, for monthly benefits beginning with benefits for the month in which he died."; and

(2) by adding at the end the following new paragraph:

"(6) Upon the death after 1967 of an individual entitled to benefits under section 202(a) or section 223, if any person is entitled to monthly benefits or a lump-sum death payment, on the wages and self-employment income of such individual, the Secretary shall recompute the decedent's primary insurance amount, but only if the decedent during his lifetime was paid compensation which was treated under section 205(o) as remuneration for employment."

Ante, p. 1340. *Ante*, pp. 1350, 1351.

42 USC 405.

(b) Section 215(d)(2) of such Act is amended by inserting "or (6)" before the period at the end thereof.

81 Stat. 864; *Post*, p. 1369. 42 USC 415.

CHANGES IN TAX SCHEDULES

SEC. 135. (a)(1) Section 1401(a) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended—

79 Stat. 394; 81 Stat. 835. 26 USC 1401.

(A) by striking out "1978" in paragraph (3) and inserting in lieu thereof "1973"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) in the case of any taxable year beginning after December 31, 1972, the tax shall be equal to 7.0 percent of the amount of the self-employment income for such taxable year."

26 USC 3101.

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended (A) by striking out "any of the calendar years 1971 through 1977" and inserting in lieu thereof "the calendar years 1971 and 1972" and (B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages received during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 4.85 percent;

"(5) with respect to wages received during the calendar years 1978 through 2010, the rate shall be 4.80 percent; and

"(6) with respect to wages received after December 31, 2010, the rate shall be 5.85 percent."

(3) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended (A) by striking out "any of the calendar years 1971 through 1977" and inserting in lieu thereof "the calendar years 1971 and 1972" and (B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following: *Ante*, p. 421.

"(4) with respect to wages paid during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 4.85 percent;

"(5) with respect to wages paid during the calendar years 1978 through 2010, the rate shall be 4.80 percent; and

"(6) with respect to wages paid after December 31, 2010, the rate shall be 5.85 percent."

(b)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following: *Ante*, p. 421.

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1981, the tax shall be equal to 1.25 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1980, and before January 1, 1986, the tax shall be equal to 1.35 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1985, the tax shall be equal to 1.45 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following: *Ante*, p. 421.

"(2) with respect to wages received during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 1.0 percent;

"(3) with respect to wages received during the calendar years 1978, 1979, and 1980, the rate shall be 1.25 percent;

"(4) with respect to wages received during the calendar years 1981, 1982, 1983, 1984, and 1985, the rate shall be 1.35 percent; and

"(5) with respect to wages received after December 31, 1985, the rate shall be 1.45 percent."

Ante, p. 422.

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 1.0 percent;

"(3) with respect to wages paid during the calendar years 1978, 1979, and 1980, the rate shall be 1.25 percent;

"(4) with respect to wages paid during the calendar years 1981, 1982, 1983, 1984, and 1985, the rate shall be 1.35 percent; and

"(5) with respect to wages paid after December 31, 1985, the rate shall be 1.45 percent."

Effective date.

(c) The amendments made by subsections (a)(1) and (b)(1) shall apply only with respect to taxable years beginning after December 31, 1972. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1972.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

Ante, p. 422.

SEC. 136. (a) Section 201(b)(1) of the Social Security Act is amended—

(1) by striking out "(E) 1.0" and inserting in lieu thereof "(E) 1.1",

(2) by striking out "(F) 1.1" and inserting in lieu thereof "(F) 1.15", and

(3) by striking out "(G) 1.4" and inserting in lieu thereof "(G) 1.5".

(b) Section 201(b)(2) of such Act is amended—

(1) by striking out "(E) 0.75" and inserting in lieu thereof "(E) 0.795",

(2) by striking out "(F) 0.825" and inserting in lieu thereof "(F) 0.84", and

(3) by striking out "(G) 0.915" and inserting in lieu thereof "(G) 0.895".

METHOD OF ISSUANCE OF SOCIAL SECURITY ACCOUNT NUMBERS

64 Stat. 518.
42 USC 405.

SEC. 137. Section 205(c)(2) of the Social Security Act is amended—

(1) by inserting "(A)" immediately after "(2)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) In carrying out his duties under subparagraph (A), the Secretary shall take affirmative measures to assure that social security account numbers will, to the maximum extent practicable, be assigned to all members of appropriate groups or categories of individuals by assigning such numbers (or ascertaining that such numbers have already been assigned):

"(I) to aliens at the time of their lawful admission to the United States either for permanent residence or under other authority of law permitting them to engage in employment in the United States and to other aliens at such time as their status is so changed as to make it lawful for them to engage in such employment;

"(II) to any individual who is an applicant for or recipient of benefits under any program financed in whole or in part from

Federal funds including any child on whose behalf such benefits are claimed by another person; and

"(III) to any other individual when it appears that he could have been but was not assigned an account number under the provisions of subclauses (I) or (II) but only after such investigation as is necessary to establish to the satisfaction of the Secretary, the identity of such individual, the fact that an account number has not already been assigned to such individual, and the fact that such individual is a citizen or a noncitizen who is not, because of his alien status, prohibited from engaging in employment;

and, in carrying out such duties, the Secretary is authorized to take affirmative measures to assure the issuance of social security numbers:

"(IV) to or on behalf of children who are below school age at the request of their parents or guardians; and

"(V) to children of school age at the time of their first enrollment in school.

"(ii) The Secretary shall require of applicants for social security account numbers such evidence as may be necessary to establish the age, citizenship, or alien status, and true identity of such applicants, and to determine which (if any) social security account number has previously been assigned to such individual.

"(iii) In carrying out the requirements of this subparagraph, the Secretary shall enter into such agreements as may be necessary with the Attorney General and other officials and with State and local welfare agencies and school authorities (including non-public school authorities)."

PAYMENTS BY EMPLOYER TO DISABLED FORMER EMPLOYEE

SEC. 138. (a) Section 209 of the Social Security Act (as amended by section 122(a) of this Act) is further amended by striking out "or" at the end of subsection (m), by striking out the period at the end of subsection (n) and inserting in lieu thereof "; or", and by inserting after subsection (n) the following new subsection: *Ante*, p. 1354.

"(o) Any payment made by an employer to an employee, if at the time such payment is made such employee is entitled to disability insurance benefits under section 223(a) and such entitlement commenced prior to the calendar year in which such payment is made, and if such employee did not perform any services for such employer during the period for which such payment is made." *Ante*, p. 1351.

(b) Section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of wages, and as amended by section 122(b) of this Act) is further amended by striking out "or" at the end of paragraph (13), by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or", and by inserting after paragraph (14) the following new paragraph: *Ante*, p. 1354.

"(15) any payment made by an employer to an employee, if at the time such payment is made such employee is entitled to disability insurance benefits under section 223(a) of the Social Security Act and such entitlement commenced prior to the cal-

endar year in which such payment is made, and if such employee did not perform any services for such employer during the period for which such payment is made."

Effective date.

(c) The amendments made by this section shall apply in the case of any payment made after December 1972.

TERMINATION OF COVERAGE OF REGISTRARS OF VOTERS IN LOUISIANA

64 Stat. 514. 42 USC 418.

SEC. 139. (a) Notwithstanding the provisions of section 218(g)(1) of the Social Security Act, the Secretary may, under such conditions as he deems appropriate, permit the State of Louisiana to modify its agreement entered into under section 218 of such Act so as to terminate the coverage of all employees who are in positions under the Registrars of Voters Employees' Retirement System, effective after December 1975, but only if such State files with him notice of termination on or before December 31, 1973.

(b) If the coverage of such employees in positions under such retirement system is terminated pursuant to subsection (a), coverage cannot later be extended to employees in positions under such retirement system.

COMPUTATION OF INCOME OF AMERICAN MINISTERS AND MEMBERS OF RELIGIOUS ORDERS PERFORMING SERVICES OUTSIDE THE UNITED STATES

71 Stat. 523. 42 USC 411.

SEC. 140. (a) Section 211(a)(7) of the Social Security Act is amended—

(1) by striking out "and section 119" and inserting in lieu thereof ", section 119";

(2) by striking out "of the Internal Revenue Code of 1954 and, in addition, if he is a citizen of the United States performing such service as an employee of an American employer (as defined in section 210(e)) or as a minister in a foreign country who has a congregation which is composed predominantly of citizens of the United States, without regard to" and inserting in lieu thereof a comma; and

42 USC 410.

(3) by striking out "such Code" and inserting in lieu thereof "the Internal Revenue Code of 1954".

71 Stat. 523. 26 USC 1402.

(b) Section 1402(a)(8) of the Internal Revenue Code is amended—

(1) by striking out "and section 119" and inserting in lieu thereof ", section 119"; and

(2) by striking out "and, in addition, if he is a citizen of the United States performing such service as an employee of an American employer (as defined in section 3121(h)) or as a minister in a foreign country who has a congregation which is composed predominantly of citizens of the United States, without regard to" and inserting in lieu thereof a comma.

Effective date.

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972.

MODIFICATION OF STATE AGREEMENTS WITH RESPECT TO CERTAIN STUDENTS AND CERTAIN PART-TIME EMPLOYEES

42 USC 418.

SEC. 141. (a) Notwithstanding any provision of section 218 of the Social Security Act, the agreement with any State (or any modifications thereof) entered into pursuant to such section may, at the option of such State, be modified at any time prior to January 1, 1974, so as to exclude either or both of the following:

(1) service in any class or classes of part-time positions; or
(2) service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(b) Any modification of such agreement pursuant to this section shall be effective with respect to services performed after the end of the calendar quarter following the calendar quarter in which such agreement is modified. Effective date.

(c) If any such modification terminates coverage with respect to service in any class or classes of part-time positions in any coverage group, the Secretary of Health, Education, and Welfare and the State may not thereafter modify such agreement so as to again make the agreement applicable to service in such positions in such coverage group; if such modification terminates coverage with respect to service performed in the employ of a school, college, or university, by a student who is enrolled and regularly attending classes at such school, college, or university, the Secretary of Health, Education, and Welfare and the State may not thereafter modify such agreement so as to again make the agreement applicable to such service performed in the employ of such school, college, or university.

BENEFITS IN CASE OF CERTAIN INDIVIDUALS INTERNED DURING WORLD WAR II

SEC. 142. (a) Title II of the Social Security Act (as amended by this Act) is amended by adding at the end thereof a new section as follows: 42 USC 401.

"BENEFITS IN CASE OF CERTAIN INDIVIDUALS INTERNED DURING WORLD WAR II

"SEC. 231. (a) For the purposes of this section the term 'internee' means an individual who was interned during any period of time from December 7, 1941, through December 31, 1946, at a place within the United States operated by the Government of the United States for the internment of United States citizens of Japanese ancestry. "Internee."

"(b)(1) For purposes of determining entitlement to and the amount of any monthly benefit for any month after December 1972, or entitlement to and the amount of any lump-sum death payment in the case of a death after such month, payable under this title on the basis of the wages and self-employment income of any individual, and for purposes of section 216(i)(3), such individual shall be deemed to have been paid during any period after he attained age 18 and for which he was an internee, wages (in addition to any wages actually paid to him) at a weekly rate of basic pay during such period as follows— *Ante*, p. 1350.

"(A) in the case such individual was not employed prior to the beginning of such period, 40 multiplied by the minimum hourly rate or rates in effect at any such time under section 206(a)(1) of title 29, United States Code, for each full week during such period; and 80 Stat. 838.

"(B) in the case such individual who was employed prior to the beginning of such period, 40 multiplied by the greater of (i) the highest hourly rate received during any such employment, or (ii) the minimum hourly rate or rates in effect at any such time under section 206(a)(1) of title 29, United States Code, for each full week during such period.

"(2) This subsection shall not be applicable in the case of any monthly benefit or lump-sum death payment if—

"(A) a larger such benefit or payment, as the case may be, would be payable without its application; or

"(B) a benefit (other than a benefit payable in a lump-sum unless it is a commutation of, or a substitute for, periodic payments) which is based, in whole or in part, upon internment during any period from December 7, 1941, through December 31, 1946, at a place within the United States operated by the Government of the United States for the internment of United States citizens of Japanese ancestry, is determined by any agency or wholly owned instrumentality of the United States to be payable by it under any other law of the United States or under a system established by such agency or instrumentality.

Nonapplicability.

The provisions of clause (B) shall not apply in the case of any monthly benefit or lump-sum death payment under this title if its application would reduce by $0.50 or less the primary insurance amount (as computed under section 215 prior to any recomputation thereof pursuant to subsection (f) of such section) of the individual on whose wages and self-employment income such benefit or payment is based. The provisions of clause (B) shall also not apply for purposes of section 216(i)(3).

Ante, pp. 1333, 1334, 1362.

Ante, p. 1350.

"(3) Upon application for benefits, a recalculation of benefits (by reason of this section), or a lump-sum death payment on the basis of the wages and self-employment income of any individual who was an internee, the Secretary of Health, Education, and Welfare shall accept the certification of the Secretary of Defense or his designee concerning any period of time for which an internee is to receive credit under paragraph (1) and shall make a decision without regard to clause (B) of paragraph (2) of this subsection unless he has been notified by some other agency or instrumentality of the United States that, on the basis of the period for which such individual was an internee, a benefit described in clause (B) of paragraph (2) has been determined by such agency or instrumentality to be payable by it. If the Secretary of Health, Education, and Welfare has not been so notified, he shall then ascertain whether some other agency or wholly owned instrumentality of the United States has decided that a benefit described in clause (B) of paragraph (2) is payable by it. If any such agency or instrumentality has decided, or thereafter decides, that such a benefit is payable by it, it shall so notify the Secretary of Health, Education, and Welfare, and the Secretary shall certify no further benefits for payment or shall recompute the amount of any further benefits payable, as may be required by this section.

"(4) Any agency or wholly owned instrumentality of the United States which is authorized by any law of the United States to pay benefits, or has a system of benefits which are based, in whole or in part, on any period for which any individual was an internee shall, at the request of the Secretary of Health, Education, and Welfare, certify to him, with respect to any individual who was an internee, such information as the Secretary deems necessary to carry out his functions under paragraph (3) of this subsection.

Appropriation.

"(c) There are authorized to be appropriated to the Trust Funds and the Federal Hospital Insurance Trust Fund for the fiscal year ending June 30, 1978, such sums as the Secretary determines would place the Trust Funds and the Federal Hospital Insurance Trust Fund in the position in which they would have been if the preceding provisions of this section had not been enacted."

42 USC 415.

(b) Section 215(d)(1)(C) of such Act is amended by striking out "and" at the end of clause (ii), by striking out the period at the end of clause (iii), and inserting in lieu thereof ", and", and by inserting after clause (iii) the following new clause:

"(iv) wages deemed paid prior to 1951 to such individual under section 231.".

(c) Section 215(d)(2) of such Act (as amended by section 134 of this Act) is further amended by striking out the period at the end thereof and inserting in lieu thereof "or section 231.". *Ante*, p. 1362. 42 USC 415.

MODIFICATION OF AGREEMENT WITH WEST VIRGINIA TO PROVIDE COVERAGE FOR CERTAIN POLICEMEN AND FIREMEN

SEC. 143. (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 1974, 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. 42 USC 418.

(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 policeman's or fireman'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.

PERFECTING AMENDMENTS RELATED TO THE 20-PERCENT INCREASE PROVISION ENACTED IN PUBLIC LAW 92-336

SEC. 144. (a)(1) The table in section 215(a) of the Social Security Act (as inserted by section 201(a) of Public Law 92-336) is amended— *Ante*, p. 406.

(A) in column II of such table, by striking out "251.40" and inserting in lieu thereof "254.40", and

(B) in column III of such table, by striking out "699" and inserting in lieu thereof "696".

(2) Section 203(a)(2)(B) of such Act (as amended by section 201(b) of Public Law 92-336) is amended by striking out "for each person" and inserting in lieu thereof "for each such person".

Ante, p. 410.

(3) Section 203(a)(2)(C) of such Act (as amended by section 202(a)(2)(B) of Public Law 92-336) is amended by striking out "month including" and inserting in lieu thereof "month (including".

Ante, p. 415.

(4) Section 230(b)(2) of such Act (as added by section 202(b)(1) of Public Law 92-336) is amended by striking out "or" at the end of clause (A) and inserting in lieu thereof "of".

Ante, p. 417.

(b) The amendments made by each of the paragraphs in subsection (a) shall be effective in like manner as if such amendment had been included in title II of Public Law 92-336 in the particular provision of such title referred to in such paragraph.

Ante, p. 406.

(c) Section 203(b)(6) of Public Law 92-336 is amended, effective July 1, 1972, by striking out "Section 6413(a)(2)(A)" and inserting in lieu thereof "Section 6413(c)(2)(A)".

Ante, p. 417.

26 USC 6413.

ELIMINATION OF DURATION-OF-RELATIONSHIP REQUIREMENT IN CERTAIN CASES INVOLVING SURVIVOR BENEFITS (WHERE INSURED'S DEATH WAS ACCIDENTAL OR OCCURRED IN LINE OF DUTY WHILE HE WAS A SERVICEMAN)

SEC. 145. (a) The first sentence of section 216(k) of the Social Security Act (as amended by section 115 of this Act) is further amended—

Ante, p. 1349.

(1) by striking out "and he would satisfy such requirement if a three-month period were substituted for the nine-month period" and inserting in lieu thereof "unless the Secretary determines that at the time of the marriage involved the individual could not have reasonably been expected to live for nine months"; and

(2) by striking out "except that this subsection shall not apply" and inserting in lieu thereof "except that paragraph (2) of this subsection shall not apply".

(b) The amendments made by this section shall apply only with respect to benefits payable under title II of the Social Security Act for months after December 1972 on the basis of applications filed in or after the month in which this Act is enacted.

42 USC 401.

TITLE II—PROVISIONS RELATING TO MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH

COVERAGE FOR DISABILITY BENEFICIARIES UNDER MEDICARE

SEC. 201. (a)(1)(A) The heading of title XVIII of the Social Security Act is amended to read as follows:

"TITLE XVIII—HEALTH INSURANCE FOR THE AGED AND DISABLED".

(B) The heading of part A of such title is amended to read as follows:

"PART A—HOSPITAL INSURANCE BENEFITS FOR THE AGED AND DISABLED".

(C) The heading of part B of such title is amended to read as follows:

"PART B—SUPPLEMENTARY MEDICAL INSURANCE BENEFITS FOR THE AGED AND DISABLED".

(2) The text of section 1811 of such Act is amended to read as follows: 79 Stat. 291. 42 USC 1395c.

"SEC. 1811. The insurance program for which entitlement is established by section 226 provides basic protection against the costs of hospital and related posthospital services in accordance with this part for (1) individuals who are age 65 or over and are entitled to retirement benefits under title II of this Act or under the railroad retirement system and (2) individuals under age 65 who have been entitled for not less than 24 consecutive months to benefits under title II of this Act or under the railroad retirement system on the basis of a disability." *Infra.* 42 USC 401.

(3) Section 1831 of such Act is amended— 79 Stat. 301. 42 USC 1395j.

(A) by inserting "AND THE DISABLED" after "AGED" in the heading, and

(B) by striking out "individuals 65 years of age or over" and inserting in lieu thereof "aged and disabled individuals".

(b)(1) Section 226(a) of such Act is amended to read as follows: 79 Stat. 290. 42 USC 426.

"(a)(1) Every individual who—

"(A) has attained age 65, and

"(B) is entitled to monthly insurance benefits under section 202 or is a qualified railroad retirement beneficiary, *Ante*, pp. 1335-1350.

shall be entitled to hospital insurance benefits under part A of title XVIII for each month for which he meets the condition specified in subparagraph (B), beginning with the first month after June 1966 for which he meets the conditions specified in subparagraphs (A) and (B). 42 USC 1395.

"(b) Every individual who—

"(1) has not attained age 65, and

"(2)(A) is entitled to, and has for 24 consecutive calendar months been entitled to, (i) disability insurance benefits under section 223 or (ii) child's insurance benefits under section 202(d) by reason of a disability (as defined in section 223(d)) or (iii) widow's insurance benefits under section 202(e) or widower's insurance benefits under section 202(f) by reason of a disability (as defined in section 223(d)), or (B) is, and has been for not less than 24 consecutive months a disabled qualified railroad retirement beneficiary, within the meaning of section 22 of the Railroad Retirement Act of 1937, 42 USC 423. *Ante*, p. 1347. *Post*, p. 1373.

shall be entitled to hospital insurance benefits under part (A) of title XVIII for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth consecutive month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2), and ending with the month following the month in which notice of termination of such entitlement to benefits or status as a qualified railroad retirement beneficiary described in paragraph (2) is mailed to him, or if earlier, with the month before the month in which he attains age 65."

(2) Section 226(b) of such Act is amended by striking out "occurred after June 30, 1966, or on or after the first day of the month in which he attains age 65, whichever is later" and inserting in lieu thereof "occurred (i) after June 30, 1966, or on or after the first day of the month in which he attains age 65, whichever is later, or (ii) if he was entitled to hospital insurance benefits pursuant to subsection (b), at a time when he was so entitled". 42 USC 426.

(3) Section 226(b)(2) of such Act is amended by striking out "an individual shall be deemed entitled to monthly insurance benefits under section 202," and inserting in lieu thereof "an individual shall be

deemed entitled to monthly insurance benefits under section 202 or section 223,".

42 USC 402, 423.

(4) Section 226(c) of such Act is amended by inserting "or section 22" after "section 21" wherever it appears.

42 USC 426.

(5) Section 226 of such Act is further amended by redesignating subsection (b) as subsection (c), subsection (c) as subsection (d), and subsection (d) as subsection (f), and by inserting after subsection (d) the following new subsection:

Ante, p. 1371.

"(e)(1) For purposes of determining entitlement to hospital insurance benefits under subsection (b) in the case of widows and widowers described in paragraph (2)(A)(iii) thereof—

"(A) the term 'age 60' in sections 202(e)(1)(B)(ii) and 202(e)(5), and the term 'age 62' in sections 202(f)(1)(B)(ii), and 202(f)(6) shall be deemed to read 'age 65'; and

"(B) the phrase 'before she attained age 60' in the matter following subparagraph (F) of section 202(e)(1) shall be deemed to read 'based on a disability'.

"(2) For purposes of determining entitlement to hospital insurance benefits under subsection (a)(2) in the case of an individual under age 65 who is entitled to benefits under section 202, and who was entitled to widow's insurance benefits or widower's insurance benefits based on disability for the month before the first month in which such individual was so entitled to old-age insurance benefits (but ceased to be entitled to such widow's or widower's insurance benefits upon becoming entitled to such old-age insurance benefits), such individual shall be deemed to have continued to be entitled to such widow's insurance benefits or widower's insurance benefits for and after such first month.

"(3) For purposes of determining entitlement to hospital insurance benefits under subsection (a)(2) any disabled widow age 50 or older who is entitled to mother's insurance benefits (and who would have been entitled to widow's insurance benefits by reason of disability if she had filed for such widow's benefits) shall, upon application, for such hospital insurance benefits be deemed to have filed for such widow's benefits and shall, upon furnishing proof of such disability prior to July 1, 1974, under such procedures as the Secretary may prescribe, be deemed to have been entitled to such widow's benefits as of the time she would have been entitled to such widow's benefits if she had filed a timely application therefor."

79 Stat. 304.
42 USC 1395o.

(c)(1) Section 1836 of such Act is amended to read as follows:

"ELIGIBLE INDIVIDUALS

"SEC. 1836. Every individual who—

"(1) is entitled to hospital insurance benefits under part A, or

"(2) has attained age 65 and is a resident of the United States, and is either (A) a citizen or (B) an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under this part,

is eligible to enroll in the insurance program established by this part."

42 USC 1395p.

(2)(A) The first sentence of section 1837(c) of such Act is amended by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1) or (2)".

(B) The second sentence of section 1837(c) of such Act is amended to read as follows: "For purposes of this subsection and subsection (d), an individual who has attained age 65 and who satisfies paragraph (1) of section 1836 but not paragraph (2) of such section shall be treated as satisfying such paragraph (1) on the first day on which he is (or on filing application would have been) entitled to hospital insurance benefits under part A."

Supra.

(C) The first sentence of 1837(d) of such Act is amended by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1) or (2)". 42 USC 1395p.

(3)(A) Section 1838(a) of such Act is amended by striking out "July 1, 1966" in paragraph (1) and inserting in lieu thereof "July 1, 1966 or (in the case of a disabled individual who has not attained age 65) July 1, 1973". 42 USC 1395q.

(B) Section 1838(a) of such Act is further amended—

(i) by striking out "paragraphs (1) and (2)" in paragraph (2)(A) and inserting in lieu thereof "paragraph (1) or (2)"; and

(ii) by striking out "such paragraphs" in subparagraphs (B), (C), and (D) and inserting in lieu thereof "such paragraph".

(C) Section 1838 of such Act is further amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) In the case of an individual satisfying paragraph (1) of section 1836 whose entitlement to hospital insurance benefits under part A is based on a disability rather than on his having attained the age of 65, his coverage period (and his enrollment under this part) shall be terminated as of the close of the last month for which he is entitled to hospital insurance benefits." *Ante*, p. 1372.

(4) Section 1839(c) of such Act is amended— 42 USC 1395r.

(A) by inserting "(in the same continuous period of eligibility)" after "for each full 12 months"; and

(B) by adding at the end thereof the following new sentence: "Any increase in an individual's monthly premium under the first sentence of this subsection with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which such individual may have."

(5) Section 1839 of such Act is further amended by adding at the end thereof the following new subsection: *Post*, p. 1376.

"(e) For purposes of subsection (c) (and section 1837(g)(1)), an individual's 'continuous period of eligibility' is the period beginning with the first day on which he is eligible to enroll under section 1836 and ending with his death; except that any period during all of which an individual satisfied paragraph (1) of section 1836 and which terminated in or before the month preceding the month in which he attained age 65 shall be a separate 'continuous period of eligibility' with respect to such individual (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this section)." "Continuous period of eligibility." *Post*, p. 1378. *Ante*, p. 1372.

(6)(A) Section 1840(a)(1) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223". 42 USC 1395s.

(B) Section 1840(a)(2) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(7) Section 1875(a) of such Act is amended by striking out "aged" and inserting in lieu thereof "aged and the disabled". 42 USC 1395*ll*.

(d) The Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section: 45 USC 228s-2.

"HOSPITAL INSURANCE BENEFITS FOR THE DISABLED

"SEC. 22. Individuals under age 65—

"(1) who have been entitled to annuities for not less than 24 consecutive months during each of which the first proviso of section 3(e) could have applied on the basis of an application which has been filed under paragraph 4 or 5 of section 2(a), and are currently entitled to such annuities, or who are entitled to annui- 45 USC 228c. 45 USC 228b.

45 USC 228b.
42 USC 423.

ties under paragraph 2 or 3 of section 2(a) and could have been paid annuities for not less than 24 consecutive months under section 223 of the Social Security Act if their service as employees were included in the term 'employment' as defined in that Act, or

"(2) who have been entitled to annuities under section 5(a) on the basis of disability, or could have been so entitled had they not been entitled on the basis of age or had they not been entitled under section 5(b) on the basis of having the custody of children, for not less than 24 consecutive months during each of which the first proviso of section 3(e) could have been applied on the basis of disability if an application for disability benefits had been filed, or

"(3) who have been entitled to annuities for not less than 24 consecutive months under section 5(c) on the basis of a disability (within the meaning of section 5(l)(1)(ii)) or who could have been includible as disabled children for not less than 24 consecutive months in the computation of an annuity under the first proviso in section 3(e) and could currently be includible in such a computation,

shall be certified by the Board in the same manner, for the same purposes, and subject to the same conditions, restrictions, and other provisions as individuals specifically described in section 21, and also subject to the same conditions, restrictions, and other provisions as are disability beneficiaries under title II of the Social Security Act in connection with their eligibility for hospital insurance benefits under part A of title XVIII of such Act and their eligibility to enroll under part B of such title XVIII; and for the purposes of this Act and title XVIII of the Social Security Act, individuals certified as provided in this section shall be considered individuals described in and certified under such section 21. Notwithstanding the other provisions of this section it shall not apply to any individual who could not be taken into account on the basis of disability in calculating the annuity under the first proviso of section 3(e) without regard to the second paragraph of such section."

45 USC 228s-2.
42 USC 401.
Ante, p. 1370.
42 USC 1395.

HOSPITAL INSURANCE BENEFITS FOR UNINSURED INDIVIDUALS NOT ELIGIBLE UNDER TRANSITIONAL PROVISION

SEC. 202. Title XVIII of the Social Security Act is amended by adding after section 1817 the following new section:

79 Stat. 299.
42 USC 1395i.

"HOSPITAL INSURANCE BENEFITS FOR UNINSURED INDIVIDUALS NOT OTHERWISE ELIGIBLE

"SEC. 1818. (a) Every individual who—

"(1) has attained the age of 65,

"(2) is enrolled under part B of this title,

"(3) is a resident of the United States, and is either (A) a citizen or (B) an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under this section, and

"(4) is not otherwise entitled to benefits under this part,

shall be eligible to enroll in the insurance program established by this part.

"(b) An individual may enroll under this section only in such manner and form as may be prescribed in regulations, and only during an enrollment period prescribed in or under this section.

"(c) The provisions of section 1837 (except subsection (f) thereof), section 1838, subsection (c) of section 1839, and subsections (f) and (h) of section 1840 shall apply to persons authorized to enroll under this section except that—

Ante, p. 1372.
Ante, p. 1373.

"(1) individuals who meet the conditions of subsection (a) (1), (3), and (4) on or before the last day of the seventh month after the month in which this section is enacted may enroll under this part and (if not already so enrolled) may also enroll under part B during an initial general enrollment period which shall begin on the first day of the second month which begins after the date on which this section is enacted and shall end on the last day of the tenth month after the month in which this Act is enacted;

"(2) in the case of an individual who first meets the conditions of eligibility under this section on or after the first day of the eighth month after the month in which this section is enacted, the initial enrollment period shall begin on the first day of the third month before the month in which he first becomes eligible and shall end 7 months later;

"(3) in the case of an individual who enrolls pursuant to paragraph (1) of this subsection, entitlement to benefits shall begin on—

"(A) the first day of the second month after the month in which he enrolls,

"(B) July 1, 1973, or

"(C) the first day of the first month in which he meets the requirements of subsection (a),

whichever is the latest;

"(4) termination of coverage under this section by the filing of notice that the individual no longer wishes to participate in the hospital insurance program shall take effect at the close of the month following the month in which such notice is filed;

"(5) an individual's entitlement under this section shall terminate with the month before the first month in which he becomes eligible for hospital insurance benefits under section 226 of this Act or section 103 of the Social Security Amendments of 1965; and upon such termination, such individual shall be deemed, solely for purposes of hospital insurance entitlement, to have filed in such first month the application required to establish such entitlement; and

Ante, p. 1371; *Post*, p. 1463.
42 USC 426a.

"(6) termination of coverage for supplementary medical insurance shall result in simultaneous termination of hospital insurance benefits for uninsured individuals who are not otherwise entitled to benefits under this Act.

"(d)(1) The monthly premium of each individual for each month in his coverage period before July 1974 shall be $33.

Monthly premiums.

"(2) The Secretary shall, during the last calendar quarter of each year, beginning in 1973, determine and promulgate the dollar amount (whether or not such dollar amount was applicable for premiums for any prior month) which shall be applicable for premiums for months occurring in the 12-month period commencing July 1 of the next year. Such amount shall be equal to $33, multiplied by the ratio of (A) the inpatient hospital deductible for such next year, as promulgated under section 1813(b)(2), to (B) such deductible promulgated for 1973. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest multiple of $1, or if midway between multiples of $1 to the next higher multiple of $1.

42 USC 1395e.

"(e) Payment of the monthly premiums on behalf of any individual

who meets the conditions of subsection (a) may be made by any public or private agency or organization under a contract or other arrangement entered into between it and the Secretary if the Secretary determines that payment of such premiums under such contract or arrangement is administratively feasible.

"(f) Amounts paid to the Secretary for coverage under this section shall be deposited in the Treasury to the credit of the Federal Hospital Insurance Trust Fund."

AMOUNT OF SUPPLEMENTARY MEDICAL INSURANCE PREMIUM

42 USC 1395r.

SEC. 203. (a) Section 1839(b)(1) of the Social Security Act is amended by inserting "and before July 1, 1973," after "1967".

(b) Section 1839(b)(2) of such Act is amended by striking out "thereafter" and inserting in lieu thereof "ending on or before December 31, 1971".

Ante, p. 1373.

(c) Section 1839 of such Act (as amended by section 201(c)(4) and (5) of this Act) is further amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary shall, during December of 1972 and of each year thereafter, determine the monthly actuarial rate for enrollees age 65 and over which shall be applicable for the 12-month period commencing July 1 in the succeeding year. Such actuarial rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for such 12-month period with respect to those enrollees age 65 and over will equal one-half of the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such 12-month period. In calculating the monthly actuarial rate, the Secretary shall include an appropriate amount for a contingency margin.

"(2) The monthly premium of each individual enrolled under this part for each month after June 1973 shall, except as provided in subsection (d), be the amount determined under paragraph (3).

"(3) The Secretary shall, during December of 1972 and of each year thereafter, determine and promulgate the monthly premium applicable for the individuals enrolled under this part for the 12-month period commencing July 1 in the succeeding year. The monthly premium shall be equal to the smaller of—

"(A) the monthly actuarial rate for enrollees age 65 and over, determined according to paragraph (1) of this subsection, for that 12-month period, or

"(B) the monthly premium rate most recently promulgated by the Secretary under this paragraph or, in the case of the determination made in December 1971, such rate promulgated under subsection (b)(2) multiplied by the ratio of (i) the amount in column IV of the table which, by reason of the law in effect at the time the promulgation is made, will be in effect as of June 1 next following such determination appears (or is deemed to appear) in section 215(a) on the line which includes the figure '750' in column III of such table to (ii) the amount in column IV of the table which appeared (or was deemed to appear) in section 215(a) on the line which included the figure '750' in column III as of June 1 of the year in which such determination is made.

Ante, pp. 1333, 1334, 1369.

Whenever the Secretary promulgates the dollar amount which shall be applicable as the monthly premium for any period, he shall, at the time such promulgation is announced, issue a public statement setting forth the actuarial assumptions and bases employed by him in arriving

at the amount of an adequate actuarial rate for enrollees age 65 and over as provided in paragraph (1) and the derivation of the dollar amounts specified in this paragraph.

"(4) The Secretary shall also, during December of 1972 and of each year thereafter, determine the monthly actuarial rate for disabled enrollees under age 65 which shall be applicable for the 12-month period commencing July 1 in the succeeding year. Such actuarial rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for such 12-month period with respect to disabled enrollees under age 65 will equal one-half of the total of the benefits and administrative costs which he estimates will be incurred in the Federal Supplementary Medical Insurance Trust Fund for such 12-month period with respect to such enrollees. In calculating the monthly actuarial rate under this paragraph, the Secretary shall include an appropriate amount for a contingency margin."

(d)(1) Section 1839(d) of such Act, as redesignated by subsection (c) of this section, is amended by inserting "or (c)" after "subsection (b)".

(2) Section 1839(f) of such Act, as redesignated by subsection (c) of this section, is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)".

(e) Effective with respect to enrollee premiums payable for months after June 1973, section 1844(a)(1) of such Act is amended to read as follows:

Effective date.
81 Stat. 874.
42 USC 1395w.

"(1)(A) a Government contribution equal to the aggregate premiums payable for a month for enrollees age 65 and over under this part and deposited in the Trust Fund, multiplied by the ratio of—

"(i) twice the dollar amount of the actuarially adequate rate per enrollee age 65 and over as determined under section 1839(c)(1) for such month minus the dollar amount of the premium per enrollee for such month, as determined under section 1839(c)(3), to

Ante, p. 1376.

"(ii) the dollar amount of the premium per enrollee for such month, plus

"(B) a Government contribution equal to the aggregate premiums payable for a month for enrollees under age 65 under this part and deposited in the Trust Fund, multiplied by the ratio of—

"(i) twice the dollar amount of the actuarially adequate rate per enrollee under age 65 as determined under section 1839(c)(4) for such month minus the dollar amount of the premium per enrollee for such month, as determined under section 1839(c)(3), to

"(ii) the dollar amount of the premium per enrollee for such month."

CHANGE IN SUPPLEMENTARY MEDICAL INSURANCE DEDUCTIBLE

SEC. 204. (a) Section 1833(b) of the Social Security Act is amended by striking out "shall be reduced by a deductible of $50" and inserting in lieu thereof "shall be reduced by a deductible of $60".

79 Stat. 302.
42 USC 1395*l*.

(b) Section 1835(c) of such Act is amended by striking out "but only if such charges for such services do not exceed $50" and inserting in lieu thereof "but only if such charges for such services do not exceed the applicable supplementary medical insurance deductible".

81 Stat. 849.
42 USC 1395n.

(c) The amendments made by this section shall be effective with respect to calendar years after 1972 (except that, for purposes of applying clause (1) of the first sentence of section 1833(b) of the Social Security Act, such amendments shall be deemed to have taken effect on January 1, 1972).

Effective date.

Supra.

AUTOMATIC ENROLLMENT FOR SUPPLEMENTARY MEDICAL INSURANCE

79 Stat. 304; 81 Stat. 859. 42 USC 1395p.

SEC. 206. (a) Section 1837 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(f) Any individual—

Ante, p. 1372.

"(1) who is eligible under section 1836 to enroll in the medical insurance program by reason of entitlement to hospital insurance benefits as described in paragraph (1) of such section, and

"(2) whose initial enrollment period under subsection (d) begins after March 31, 1973, and

"(3) who is residing in the United States, exclusive of Puerto Rico,

shall be deemed to have enrolled in the medical insurance program established by this part.

"(g) All of the provisions of this section shall apply to individuals satisfying subsection (f), except that—

"(1) in the case of an individual who satisfies subsection (f) by reason of entitlement to disability insurance benefits described in section 226(a)(2)(B), his initial enrollment period shall begin on the first day of the later of (A) April 1973 or (B) the third month before the 25th consecutive month of such entitlement, and shall reoccur with each continuous period of eligibility (as defined in section 1839(e)) and upon attainment of age 65;

Ante, p. 1371.

Ante, p. 1376.

"(2)(A) in the case of an individual who is entitled to monthly benefits under section 202 or 223 on the first day of his initial enrollment period or becomes entitled to monthly benefits under section 202 during the first 3 months of such period, his enrollment shall be deemed to have occurred in the third month of his initial enrollment period, and

42 USC 402, 423.

"(B) in the case of an individual who is not entitled to benefits under section 202 on the first day of his initial enrollment period and does not become so entitled during the first 3 months of such period, his enrollment shall be deemed to have occurred in the month in which he files the application establishing his entitlement to hospital insurance benefits provided such filing occurs during the last 4 months of his initial enrollment period; and

"(3) in the case of an individual who would otherwise satisfy subsection (f) but does not establish his entitlement to hospital insurance benefits until after the last day of his initial enrollment period (as defined in subsection (d) of this section), his enrollment shall be deemed to have occurred on the first day of the earlier of the then current or immediately succeeding general enrollment period (as defined in subsection (e) of this section)."

Ante, p. 1373.

(b) Section 1838(a) of such Act is amended—

(1) by striking out the period at the end of subsection (a) and by inserting in lieu thereof "; or"; and

(2) by adding at the end of subsection (a) the following new paragraph:

"(3)(A) in the case of an individual who is deemed to have enrolled on or before the last day of the third month of his initial enrollment period, the first day of the month in which he first meets the applicable requirements of section 1836 or July 1, 1973, whichever is later, or

"(B) in the case of an individual who is deemed to have enrolled on or after the first day of the fourth month of his initial enrollment period, as prescribed under subparagraphs (B), (C), (D), and (E) of paragraph (2) of this subsection."

Post, p. 1447. 42 USC 1395q.

(c) Section 1838(b) of such Act (as amended by section 257(a) of this Act) is further amended by adding at the end thereof the following new paragraph:

"Where an individual who is deemed to have enrolled for medical insurance pursuant to section 1837(f) files a notice before the first day of the month in which his coverage period begins advising that he does not wish to be so enrolled, the termination of the coverage period resulting from such deemed enrollment shall take effect with the first day of the month the coverage would have been effective and such notice shall not be considered a disenrollment for the purposes of section 1837(b). Where an individual who is deemed enrolled for medical insurance benefits pursuant to section 1837(f) files a notice requesting termination of his deemed coverage in or after the month in which such coverage becomes effective, the termination of such coverage shall take effect at the close of the calendar quarter following the calendar quarter in which the notice is filed."

Ante, p. 1378.

Post, p. 1448.

INCENTIVES FOR STATES TO ESTABLISH EFFECTIVE UTILIZATION REVIEW PROCEDURES UNDER MEDICAID

SEC. 207. (a)(1) Section 1903 of the Social Security Act is amended by adding at the end thereof the following new subsections:

79 Stat. 349; 81 Stat. 898. 42 USC 1396b.

"(g)(1) With respect to amounts paid for the following services furnished under the State plan after June 30, 1973 (other than services furnished pursuant to a contract with a health maintenance organization as defined in section 1876), the Federal medical assistance percentage shall be decreased as follows: After an individual has received care as an inpatient in a hospital (including an institution for tuberculosis), skilled nursing home or intermediate care facility on 60 days, or in a hospital for mental diseases on 90 days (whether or not such days are consecutive), during any fiscal year, which for purposes of this section means the four calendar quarters ending with June 30, the Federal medical assistance percentage with respect to amounts paid for any such care furnished thereafter to such individual in the same fiscal year shall be decreased by 33⅓ per centum thereof unless the State agency responsible for the administration of the plan makes a showing satisfactory to the Secretary that, with respect to each calendar quarter for which the State submits a request for payment at the full Federal medical assistance percentage for amounts paid for inpatient hospital services (including tuberculosis hospitals), skilled nursing home services, or intermediate care facility services furnished beyond 60 days (or inpatient mental hospital services furnished beyond 90 days), there is in operation in the State an effective program of control over utilization of such services; such a showing must include evidence that—

Post, pp. 1396, 1453.

"(A) in each case for which payment is made under the State plan, a physician certifies at the time of admission, or, if later, the time the individual applies for medical assistance under the State plan (and recertifies, where such services are furnished over a period of time, in such cases, at least every 60 days, and accompanied by such supporting material, appropriate to the case involved, as may be provided in regulations of the Secretary), that such services are or were required to be given on an inpatient basis because the individual needs or needed such services; and

"(B) in each such case, such services were furnished under a plan established and periodically reviewed and evaluated by a physician;

"(C) such State has in effect a continuous program of review of utilization pursuant to section 1902(a)(30) whereby the necessity for admission and the continued stay of each patient in such institution is periodically reviewed and evaluated (with such

Post, p. 1416.

frequency as may be prescribed in regulations of the Secretary) by medical and other professional personnel who are not themselves directly responsible for the care of the patient and who are not employed by or financially interested in any such institution; and

"(D) such State has an effective program of medical review of the care of patients in mental hospitals, skilled nursing homes, and intermediate care facilities pursuant to section 1902(a) (26) and (31) whereby the professional management of each case is reviewed and evaluated at least annually by independent professional review teams.

81 Stat. 906; 85 Stat. 809. 42 USC 1396a.

In determining the number of days on which an individual has received services described in this subsection, there shall not be counted any days with respect to which such individual is entitled to have payments made (in whole or in part) on his behalf under section 1812.

42 USC 1395d.

"(2) The Secretary shall, as part of his validation procedures under this subsection, conduct sample onsite surveys of private and public institutions in which recipients of medical assistance may receive care and services under a State plan approved under this title, and his findings with respect to such surveys (as well as the showings of the State agency required under this subsection) shall be made available for public inspection.

"(h)(1) If the Secretary determines for any calendar quarter beginning after June 30, 1973, with respect to any State that there does not exist a reasonable cost differential between the statewide average cost of skilled nursing home services and the statewide average cost of intermediate care facility services in such State, the Secretary may reduce the amount which would otherwise be considered as expenditures under the State plan by any amount which in his judgment is a reasonable equivalent of the difference between the amount of the expenditures by such State for intermediate care facility services and the amount that would have been expended by such State for such services if there had been a reasonable cost differential between the cost of skilled nursing home services and the cost of intermediate care facility services.

"(2) In determining whether any such cost differential in any State is reasonable the Secretary shall take into consideration the range of such cost differentials in all States.

Cost differential.

"(3) For the purposes of this subsection, the term 'cost differential' for any State for any quarter means, as determined by the Secretary on the basis of the data for the most recent calendar quarter for which satisfactory data are available, the excess of—

"(A) the average amount paid in such State (regardless of the source of payment) per inpatient day for skilled nursing home services, over

"(B) the average amount paid in such State (regardless of the source of payment) per inpatient day for intermediate care facility services.

"Cost."

"(4) For purposes of this subsection, the term 'cost' shall mean amounts reimbursable by the State under a State plan approved under this title."

42 USC 1396b.

(2) Section 1903(a)(1) of such Act is amended by inserting ", subject to subsections (g) and (h) of this section" after "section 1905(b)".

Effective date.

(b) The amendments made by subsection (a) shall, except as otherwise provided therein, be effective July 1, 1973.

COST-SHARING UNDER MEDICAID

SEC. 208. (a) Section 1902(a)(14) of the Social Security Act is amended to read as follows: 42 USC 1396a.

"(14) effective January 1, 1973, provide that—

"(A) in the case of individuals receiving aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, or who meet the income and resources requirements of the one of such State plans which is appropriate— 42 USC 301, 1201, 1351, 1381, 601.

"(i) no enrollment fee, premium, or similar charge, and no deduction, cost sharing, or similar charge with respect to the care and services listed in clauses (1) through (5) and (7) of section 1905(a), will be imposed under the plan, and 42 USC 1396d.

"(ii) any deduction, cost sharing, or similar charge imposed under the plan with respect to other care and services will be nominal in amount (as determined in accordance with standards approved by the Secretary and included in the plan), and

"(B) with respect to individuals who are not receiving aid or assistance under any such State plan and who do not meet the income and resources requirements of the one of such State plans which is appropriate or who, after December 31, 1973, are included under the State plan for medical assistance pursuant to section 1902(a)(10)(B) approved under title XIX—

"(i) there shall be imposed an enrollment fee, premium, or similar charge which (as determined in accordance with standards prescribed by the Secretary) is related to the individual's income, and

"(ii) any deductible, cost-sharing, or similar charge imposed under the plan will be nominal;".

(b) The amendment made by subsection (a) shall be effective January 1, 1973 (or earlier if the State plan so provided). Effective date.

MEDICAID CONDITIONS OF ELIGIBILITY FOR CERTAIN EMPLOYED FAMILIES

SEC. 209. (a) Section 1902 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this title, effective January 1, 1974, each State plan approved under this title must provide that each family which was eligible for assistance pursuant to part A of title IV in at least 3 of the 6 months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment, shall, while a member of such family is employed, remain eligible for such assistance for 4 calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of the income and resources limitations contained in such plan."

(b)(1) Section 1902 of the Social Security Act, as amended by this section, is further amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of this title, except as provided in subsection (e), no State shall be required to provide medical assistance to any aged, blind, or disabled individual (within the meaning of title XVI) for any month unless such State would be (or would have been) required to provide medical assistance to such individual for such month had its plan for medical assistance approved under this title and in effect on January 1, 1972, been in effect in such

month, except that for this purpose any such individual shall be deemed eligible for medical assistance under such State plan if (in addition to meeting such other requirements as are or may be imposed under the State plan) the income of any such individual as determined in accordance with section 1903(f) (after deducting such individual's payment under title XVI, and incurred expenses for medical care as defined in section 213 of the Internal Revenue Code of 1954) is not in excess of the standard for medical assistance established under the State plan as in effect on January 1, 1972."

42 USC 1396b.
42 USC 1381.
26 USC 213.

Effective date.

(2) The amendment made by this subsection shall become effective on January 1, 1974.

PAYMENT UNDER MEDICARE TO INDIVIDUALS COVERED BY FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

79 Stat. 325; 81 Stat. 846.
42 USC 1395y.

SEC. 210. Section 1862 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) No payment may be made under this title with respect to any item or service furnished to or on behalf of any individual on or after January 1, 1975, if such item or service is covered under a health benefits plan in which such individual is enrolled under chapter 89 of title 5, United States Code, unless prior to the date on which such item or service is so furnished the Secretary shall have determined and certified that such plan or the Federal employees health benefits program under chapter 89 of such title 5 has been modified so as to assure that—

5 USC 8901.

"(1) there is available to each Federal employee or annuitant enrolled in such plan, upon becoming entitled to benefits under part A or B, or both parts A and B of this title, in addition to the health benefits plans available before he becomes so entitled, one or more health benefits plans which offer protection supplementing the protection he has under this title, and

"(2) the Government or such plan will make available to such Federal employee or annuitant a contribution in an amount at least equal to the contribution which the Government makes toward the health insurance of any employee or annuitant enrolled for high option coverage under the Government-wide plans established under chapter 89 of such title 5, with such contribution being in the form of (A) a contribution toward the supplementary protection referred to in paragraph (1), (B) a payment to or on behalf of such employee or annuitant to offset the cost to him of his coverage under this title, or (C) a combination of such contribution and such payment."

PAYMENT UNDER MEDICARE FOR CERTAIN INPATIENT HOSPITAL AND RELATED PHYSICIANS' SERVICES FURNISHED OUTSIDE THE UNITED STATES

42 USC 1395f.

SEC. 211. (a) Section 1814(f) of the Social Security Act is amended to read as follows:

"Payment for Certain Inpatient Hospital Services Furnished Outside the United States

"(f) (1) Payment shall be made for inpatient hospital services furnished to an individual entitled to hospital insurance benefits under section 226 by a hospital located outside the United States, or under arrangements (as defined in section 1861(w)) with it, if—

Ante, p. 1371.
42 USC 1395x.

"(A) such individual is a resident of the United States, and

"(B) such hospital was closer to, or substantially more acces-

sible from, the residence of such individual than the nearest hospital within the United States which was adequately equipped to deal with, and was available for the treatment of, such individual's illness or injury.

"(2) Payment may also be made for emergency inpatient hospital services furnished to an individual entitled to hospital insurance benefits under section 226 by a hospital located outside the United States if— *Ante*, p. 1371.

"(A) such individual was physically present—

"(i) in a place within the United States; or

"(ii) at a place within Canada while traveling without unreasonable delay by the most direct route (as determined by the Secretary) between Alaska and another State;

at the time the emergency which necessitated such inpatient hospital services occurred, and

"(B) such hospital was closer to, or substantially more accessible from, such place than the nearest hospital within the United States which was adequately equipped to deal with, and was available for the treatment of, such individual's illness or injury.

"(3) Payment shall be made in the amount provided under subsection (b) to any hospital for the inpatient hospital services described in paragraph (1) or (2) furnished to an individual by the hospital or under arrangements (as defined in section 1861(w)) with 42 USC 1395x. it if (A) the Secretary would be required to make such payment if the hospital had an agreement in effect under this title and otherwise met the conditions of payment hereunder, (B) such hospital elects to claim such payment, and (C) such hospital agrees to comply, with respect to such services, with the provisions of section 1866(a). 42 USC 1395cc.

"(4) Payment for the inpatient hospital services described in paragraph (1) or (2) furnished to an individual entitled to hospital insurance benefits under section 226 may be made on the basis of an itemized bill to such individual if (A) payment for such services cannot be made under paragraph (3) solely because the hospital does not elect to claim such payment, and (B) such individual files application (submitted within such time and in such form and manner and by such person, and continuing and supported by such information as the Secretary shall by regulations prescribe) for reimbursement. The amount payable with respect to such services shall, subject to the provisions of section 1813, be equal to the amount which would be payable under subsection (d)(3)." 42 USC 1395e.

(b) Section 1861(e) of such Act is amended— 42 USC 1395x.

(1) by striking out "except for purposes of sections 1814(d) and 1835(b)" and inserting in lieu thereof "except for purposes of sections 1814(d), 1814(f), and 1835(b)"; 42 USC 1395f.

(2) by inserting "section 1814(f)(2)," immediately after "For purposes of sections 1814(d) and 1835(b) (including determination of whether an individual received inpatient hospital services or diagnostic services for purposes of such sections),"; and *Ante*, p. 1382. 42 USC 1395n.

(3) by inserting immediately after the third sentence the following new sentence: "For purposes of section 1814(f)(1), such term includes an institution which (i) is a hospital for purposes of sections 1814(d), 1814(f)(2), and 1835(b) and (ii) is accredited by the Joint Commission on Accreditation of Hospitals, or is accredited by or approved by a program of the country in which such institution is located if the Secretary finds the accreditation or comparable approval standards of such program to be essentially equivalent to those of the Joint Commission on Accreditation of Hospitals."

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42 USC 1395y.

(c)(1) Section 1862(a)(4) of such Act is amended—

(A) by striking out "emergency"; and

(B) by inserting after "1814(f)" the following: "and, subject to such conditions, limitations, and requirements as are provided under or pursuant to this title, physicians' services and ambulance services furnished an individual in conjunction with such inpatient hospital services but only for the period during which such inpatient hospital services were furnished".

42 USC 1395x. *Post*, pp. 1447, 1449, 1451.

(2) Section 1861(r) of such Act (as amended by sections 256(b) and 264 of this Act) is further amended by adding at the end thereof the following new sentence: "For the purposes of section 1862(a)(4) and subject to the limitations and conditions provided in the previous sentence, such term includes a doctor of one of the arts, specified in such previous sentence, legally authorized to practice such art in the country in which the inpatient hospital services (referred to in such section 1862(a)(4)) are furnished."

42 USC 1395u.

(3) Section 1842(b)(3)(B)(ii) of such Act is amended by striking out "service;" and inserting in lieu thereof the following: "service (except in the case of physicians' services and ambulance service furnished as described in section 1862(a)(4), other than for purposes of section 1870(f));".

42 USC 1395gg.

42 USC 1395*l*.

(4) Section 1833(a)(1) of such Act is amended by striking out "and" before "(B)", and by inserting before the semicolon at the end thereof the following: ", and (C) with respect to expenses incurred for those physicians' services for which payment may be made under this part that are described in section 1862(a)(4), the amounts paid shall be subject to such limitations as may be prescribed by regulations".

Effective date.

(d) The amendments made by this section shall apply to services furnished with respect to admissions occurring after December 31, 1972.

OPTOMETRISTS' SERVICES UNDER MEDICAID

42 USC 1396d.

SEC. 212. (a) Section 1905 of the Social Security Act is amended by inserting at the end thereof the following new subsection:

"(e) In the case of any State the State plan of which (as approved under this title)—

42 USC 1396a.

"(1) does not provide for the payment of services (other than services covered under section 1902(a)(12)) provided by an optometrist; but

"(2) at a prior period did provide for the payment of services referred to in paragraph (1);

"Physicians' services."

the term 'physicians' services' (as used in subsection (a)(5)) shall include services of the type which an optometrist is legally authorized to perform where the State plan specifically provides that the term 'physicians' services', as employed in such plan, includes services of the type which an optometrist is legally authorized to perform, and shall be reimbursed whether furnished by a physician or an optometrist."

Effective date.

(b) The provisions of subsection (e) of section 1905 of the Social Security Act (as added by subsection (a) of this section) shall be applicable in the case of services performed on or after the date of enactment of this Act.

LIMITATION ON LIABILITY OF BENEFICIARY WHERE MEDICARE CLAIMS ARE DISALLOWED

Post, pp. 1396, 1419, 1420.

SEC. 213. (a) Title XVIII of the Social Security Act, as amended by sections 226, 242, and 243 of this Act, is further amended by adding at the end thereof the following new section:

"LIMITATION ON LIABILITY OF BENEFICIARY WHERE MEDICARE CLAIMS ARE DISALLOWED

"SEC. 1879. (a) Where—

"(1) a determination is made that, by reason of section 1862(a)(1) or (9), payment may not be made under part A or part B of this title for any expenses incurred for items or services furnished an individual by a provider of services or by another person pursuant to an assignment under section 1842(b)(3)(B)(ii), and

42 USC 1395y.
42 USC 1395c, 1395j.
Ante, p. 1384.

"(2) both such individual and such provider of services or such other person, as the case may be, did not know, and could not reasonably have been expected to know, that payment would not be made for such items or services under such part A or part B,

then to the extent permitted by this title, payment shall, notwithstanding such determination, be made for such items or services (and for such period of time as the Secretary finds will carry out the objectives of this title), as though section 1862(a)(1) and section 1862(a)(9) did not apply. In each such case the Secretary shall notify both such individual and such provider of services or such other person, as the case may be, of the conditions under which payment for such items or services was made and in the case of comparable situations arising thereafter with respect to such individual or such provider or such other person, each shall, by reason of such notice (or similar notices provided before the enactment of this section), be deemed to have knowledge that payment cannot be made for such items or services or reasonably comparable items or services.

"(b) In any case in which the provisions of paragraphs (1) and (2) of subsection (a) are met, except that such provider or such other person, as the case may be, knew, or could be expected to know, that payment for such services or items could not be made under such part A or part B, then the Secretary shall, upon proper application filed within such time as may be prescribed in regulations, indemnify the individual (referred to in such paragraphs), subject to the deductible and coinsurance provisions of this title, for any payments received from such individual by such provider or such other person, as the case may be, for such items or services. Any payments made by the Secretary as indemnification shall be deemed to have been made to such provider or such other person, as the case may be, and shall be treated as overpayments, recoverable from such provider or such other person, as the case may be, under applicable provisions of law. In each such case the Secretary shall notify such individual of the conditions under which indemnification is made and in the case of comparable situations arising thereafter with respect to such individual, he shall, by reason of such notice (or similar notices provided before the enactment of this section), be deemed to have knowledge that payment cannot be made for such items or services.

"(c) No payments shall be made under this title in any cases in which the provisions of paragraph (1) of subsection (a) are met, but both the individual to whom the items or services were furnished and the provider of service or other person, as the case may be, who furnished the items or services knew, or could reasonably have been expected to know, that payment could not be made for items or services under part A or part B by reason of section 1862(a)(1) or (a)(9).

"(d) In any case arising under subsection (b) (but without regard to whether payments have been made by the individual to the provider or other person) or subsection (c), the provider or other person shall have the same rights that an individual has under section 1869(b) (when the determination is under part A) or section 1842(b)(3)(C)

Post, p. 1464.
Post, p. 1448.

42 USC 1395j.

(when the determination is under part B) when the amount of benefit or payments is in controversy, except that such rights may, under prescribed regulations, be exercised by such provider or other person only after the Secretary determines that the individual will not exercise such rights under such sections."

Effective date.

(b) The amendments made by this section shall be effective with respect to claims under part A or part B of title XVIII of the Social Security Act, filed with respect to items or services furnished after the date of the enactment of this Act.

42 USC 1395c, 1395j.

LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

42 USC 1301.

SEC. 221. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

42 USC 701, 1395, 1396.

"SEC. 1122. (a) The purpose of this section is to assure that Federal funds appropriated under titles V, XVIII, and XIX are not used to support unnecessary capital expenditures made by or on behalf of health care facilities or health maintenance organizations which are reimbursed under any of such titles and that, to the extent possible, reimbursement under such titles shall support planning activities with respect to health services and facilities in the various States.

(b) The Secretary, after consultation with the Governor (or other chief executive officer) and with appropriate local public officials, shall make an agreement with any State which is able and willing to do so under which a designated planning agency (which shall be an agency described in clause (ii) of subsection (d)(1)(B) that has a governing body or advisory board at least half of whose members represent consumer interests) will—

"(1) make, and submit to the Secretary together with such supporting materials as he may find necessary, findings and recommendations with respect to capital expenditures proposed by or on behalf of any health care facility or health maintenance organization in such State within the field of its responsibilities.

(2) receive from other agencies described in clause (ii) of subsection (d)(1)(B), and submit to the Secretary together with such supporting material as he may find necessary, the findings and recommendations of such other agencies with respect to capital expenditures proposed by or on behalf of health care facilities or health maintenance organizations in such State within the fields of their respective responsibilities, and

"(3) establish and maintain procedures pursuant to which a person proposing any such capital expenditure may appeal a recommendation by the designated agency and will be granted an opportunity for a fair hearing by such agency or person other than the designated agency as the Governor (or other chief executive officer) may designate to hold such hearings,

whenever and to the extent that the findings of such designated agency or any such other agency indicate that any such expenditure is not consistent with the standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963) to meet the need for adequate health care facilities in the area covered by the plan or plans so developed.

58 Stat. 682. 42 USC 201 note. 77 Stat. 282. 42 USC 2661 note.

"(c) The Secretary shall pay any such State from the Federal Hospital Insurance Trust Fund, in advance or by way of reimbursement as may be provided in the agreement with it (and may make

adjustments in such payments on account of overpayments or underpayments previously made), for the reasonable cost of performing the functions specified in subsection (b).

"(d)(1) Except as provided in paragraph (2), if the Secretary determines that—

"(A) neither the planning agency designated in the agreement described in subsection (b) nor an agency described in clause (ii) of subparagraph (B) of this paragraph had been given notice of any proposed capital expenditure (in accordance with such procedure or in such detail as may be required by such agency) at least 60 days prior to obligation for such expenditure; or

"(B)(i) the planning agency so designated or an agency so described had received such timely notice of the intention to make such capital expenditure and had, within a reasonable period after receiving such notice and prior to obligation for such expenditure, notified the person proposing such expenditure that the expenditure would not be in conformity with the standards, criteria, or plans developed by such agency or any other agency described in clause (ii) for adequate health care facilities in such State or in the area for which such other agency has responsibility, and

"(ii) the planning agency so designated had, prior to submitting to the Secretary the findings referred to in subsection (b)—

"(I) consulted with, and taken into consideration the findings and recommendations of, the State planning agencies established pursuant to sections 314(a) and 604(a) of the Public Health Service Act (to the extent that either such agency is not the agency so designated) as well as the public or nonprofit private agency or organization responsible for the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act and covering the area in which the health care facility or health maintenance organization proposing such capital expenditure is located (where such agency is not the agency designated in the agreement), or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria included in regulations, similar functions, and 42 USC 246, 291d.

"(II) granted to the person proposing such capital expenditure an opportunity for a fair hearing with respect to such findings;

then, for such period as he finds necessary in any case to effectuate the purpose of this section, he shall, in determining the Federal payments to be made under titles V, XVIII, and XIX with respect to services furnished in the health care facility for which such capital expenditure is made, not include any amount which is attributable to depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), or other expenses related to such capital expenditure. With respect to any organization which is reimbursed on a per capita basis, in determining the Federal payments to be made under titles V, XVIII, and XIX, the Secretary shall exclude an amount which in his judgment is a reasonable equivalent to the amount which would otherwise be excluded under this subsection if payment were to be made on other than a per capita basis. 42 USC 701, 1395, 1396.

"(2) If the Secretary, after submitting the matters involved to the advisory council established or designated under subsection (i), determines that an exclusion of expenses related to any capital expenditure of any health care facility or health maintenance organization would discourage the operation or expansion of such facility

or organization, or of any facility of such organization, which has demonstrated to his satisfaction proof of capability to provide comprehensive health care services (including institutional services) efficiently, effectively, and economically, or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of title V, XVIII, or XIX, he shall not include such expenses pursuant to paragraph (1).

42 USC 701, 1395, 1396.

"(e) Where a person obtains under lease or comparable arrangement any facility or part thereof, or equipment for a facility, which would have been subject to an exclusion under subsection (d) if the person had acquired it by purchase, the Secretary shall (1) in computing such person's rental expense in determining the Federal payments to be made under titles V, XVIII, and XIX with respect to services furnished in such facility, deduct the amount which in his judgment is a reasonable equivalent of the amount that would have been excluded if the person had acquired such facility or such equipment by purchase, and (2) in computing such person's return on equity capital deduct any amount deposited under the terms of the lease or comparable arrangement.

"(f) Any person dissatisfied with a determination by the Secretary under this section may within six months following notification of such determination request the Secretary to reconsider such determination. A determination by the Secretary under this section shall not be subject to administrative or judicial review.

"Capital expenditure."

"(g) For the purposes of this section, a 'capital expenditure' is an expenditure which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which (1) exceeds $100,000, (2) changes the bed capacity of the facility with respect to which such expenditure is made, or (3) substantially changes the services of the facility with respect to which such expenditure is made. For purposes of clause (1) of the preceding sentence, the cost of the studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of the plant and equipment with respect to which such expenditure is made shall be included in determining whether such expenditure exceeds $100,000.

"(h) The provisions of this section shall not apply to Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

National advisory council, establishment.

"(i)(1) The Secretary shall establish a national advisory council, or designate an appropriate existing national advisory council, to advise and assist him in the preparation of general regulations to carry out the purposes of this section and on policy matters arising in the administration of this section, including the coordination of activities under this section with those under other parts of this Act or under other Federal or federally assisted health programs.

"(2) The Secretary shall make appropriate provision for consultation between and coordination of the work of the advisory council established or designated under paragraph (1) and the Federal Hospital Council, the National Advisory Health Council, the Health Insurance Benefits Advisory Council, and other appropriate national advisory councils with respect to matters bearing on the purposes and administration of this section and the coordination of activities under this section with related Federal health programs.

Membership.

"(3) If an advisory council is established by the Secretary under paragraph (1), it shall be composed of members who are not otherwise in the regular full-time employ of the United States, and who shall be appointed by the Secretary without regard to the civil service laws from among leaders in the fields of the fundamental sciences, the med-

ical sciences, and the organization, delivery, and financing of health care, and persons who are State or local officials or are active in community affairs or public or civic affairs or who are representative of minority groups. Members of such advisory council, while attending meetings of the council or otherwise serving on business of the council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the maximum 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 away from their homes or regular places of business they may also be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of such title 5 for persons in the Government service employed intermittently." 5 USC 5332 note. 80 Stat. 499.

(b) The amendment made by subsection (a) shall apply only with respect to a capital expenditure the obligation for which is incurred by or on behalf of a health care facility or health maintenance organization subsequent to whichever of the following is earlier: (A) December 31, 1972, or (B) with respect to any State or any part thereof specified by such State, the last day of the calendar quarter in which the State requests that the amendment made by subsection (a) of this section apply in such State or such part thereof. Effective date.

(c)(1) Section 505(a)(6) of such Act (as amended by section 232(b) of this Act) is further amended by inserting ", consistent with section 1122," after "standards" where it first appears. Post, p. 1411.

(2) Section 506 of such Act (as amended by sections 224(d), 229(d), 233(d), and 237(b) of this Act) is further amended by adding at the end thereof the following new subsection: Post, p. 1395.

"(g) For limitation on Federal participation for capital expenditures which are out of conformity with a comprehensive plan of a State or areawide planning agency, see section 1122." Ante, p. 1386.

(3) Clause (2) of the second sentence of section 509(a) of such Act is amended by inserting ", consistent with section 1122," after "standards". 42 USC 709.

(4) Section 1861(v) of such Act is amended by adding at the end thereof the following new paragraph: 79 Stat. 313. 42 USC 1395x.

"(5) For limitation on Federal participation for capital expenditures which are out of conformity with a comprehensive plan of a State or areawide planning agency, see section 1122."

(5) Section 1902(a)(13)(D) of such Act (as amended by section 232(a) of this Act) is further amended by inserting ", consistent with section 1122," after "standards" where it first appears. Post, p. 1410.

(6) Section 1903(b) of such Act is amended by adding at the end thereof the following new paragraph: 42 USC 1396b.

"(3) For limitation on Federal participation for capital expenditures which are out of conformity with a comprehensive plan of a State or areawide planning agency, see section 1122."

(d) In the case of a health care facility providing health care services as of December 18, 1970, which on such date is committed to a formal plan of expansion or replacement, the amendments made by the preceding provisions of this section shall not apply with respect to such expenditures as may be made or obligations incurred for capital items included in such plan where preliminary expenditures toward the plan of expansion or replacement (including payments for studies, surveys, designs, plans, working drawings, specifications, and site acquisition, essential to the acquisition, improvement, expansion, or replacement of the health care facility or equipment concerned) of $100,000 or more, had been made during the three-year period ended December 17, 1970.

DEMONSTRATIONS AND REPORTS; PROSPECTIVE REIMBURSEMENT; EXTENDED CARE; INTERMEDIATE CARE AND HOMEMAKER SERVICES; AMBULATORY SURGICAL CENTERS; PHYSICIANS' ASSISTANTS; PERFORMANCE INCENTIVE CONTRACTS

SEC. 222. (a) (1) The Secretary of Health, Education, and Welfare, directly or through contracts with, or grants to, public or private agencies or organizations, shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of various alternative methods of making payment on a prospective basis to hospitals, skilled nursing facilities, and other providers of services for care and services provided by them under title XVIII of the Social Security Act and under State plans approved under titles XIX and V of such Act, including alternative methods for classifying providers, for establishing prospective rates of payment, and for implementing on a gradual, selective, or other basis the establishment of a prospective payment system, in order to stimulate such providers through positive (or negative) financial incentives to use their facilities and personnel more efficiently and thereby to reduce the total costs of the health programs involved without adversely affecting the quality of services by containing or lowering the rate of increase in provider costs that has been and is being experienced under the existing system of retroactive cost reimbursement.

42 USC 1395.
42 USC 1396, 701.

(2) The experiments and demonstration projects developed under paragraph (1) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods of prospective payment under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the programs involved (without committing such programs to the adoption of any prospective payment system either locally or nationally).

(3) In the case of any experiment or demonstration project under paragraph (1), the Secretary may waive compliance with the requirements of titles XVIII, XIX, and V of the Social Security Act insofar as such requirements relate to methods of payment for services provided; and costs incurred in such experiment or project in excess of those which would otherwise be reimbursed or paid under such titles may be reimbursed or paid to the extent that such waiver applies to them (with such excess being borne by the Secretary). No experiment or demonstration project shall be developed or carried out under paragraph (1) until the Secretary obtains the advice and recommendations of specialists who are competent to evaluate the proposed experiment or project as to the soundness of its objectives, the possibilities of securing productive results, the adequacy of resources to conduct it, and its relationship to other similar experiments or projects already completed or in process; and no such experiment or project shall be actually placed in operation unless at least 30 days prior thereto a written report, prepared for purposes of notification and information only, containing a full and complete description thereof has been transmitted to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate.

(4) Grants, payments under contracts, and other expenditures made for experiments and demonstration projects under this subsection shall be made in appropriate part from the Federal Hospital Insurance Trust Fund (established by section 1817 of the Social Security Act) and the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act) and from funds appropriated under titles V and XIX of such Act. Grants and payments under contracts may be made either in advance or by way of

42 USC 1395i.
42 USC 1395t.

reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this subsection. With respect to any such grant, payment, or other expenditure, the amount to be paid from each of such trust funds (and from funds appropriated under such titles V and XIX) shall be determined by the Secretary, giving due regard to the purposes of the experiment or project involved.

42 USC 701, 1396.

(5) The Secretary shall submit to the Congress no later than July 1, 1974, a full report on the experiments and demonstration projects carried out under this subsection and on the experience of other programs with respect to prospective reimbursement together with any related data and materials which he may consider appropriate. Such report shall include detailed recommendations with respect to the specific methods which could be used in the full implementation of a system of prospective payment to providers of services under the programs involved.

Report to Congress.

(b)(1) Section 402(a) of the Social Security Amendments of 1967 is amended to read as follows:

81 Stat. 930. 42 USC 1395b-1.

"(a)(1) The Secretary of Health, Education, and Welfare is authorized, either directly or through grants to public or nonprofit private agencies, institutions, and organizations or contracts with public or private agencies, institutions, and organizations, to develop and engage in experiments and demonstration projects for the following purposes:

"(A) to determine whether, and if so which, changes in methods of payment or reimbursement (other than those dealt with in section 222(a) of the Social Security Amendments of 1972) for health care and services under health programs established by the Social Security Act, including a change to methods based on negotiated rates, would have the effect of increasing the efficiency and economy of health services under such programs through the creation of additional incentives to these ends without adversely affecting the quality of such services;

Ante, p. 1390.

49 Stat. 620. 42 USC 1305.

"(B) to determine whether payments for services other than those for which payment may be made under such programs (and which are incidental to services for which payment may be made under such programs) would, in the judgment of the Secretary, result in more economical provision and more effective utilization of services for which payment may be made under such program, where such services are furnished by organizations and institutions which have the capability of providing—

"(i) comprehensive health care services,

"(ii) mental health care services (as defined by section 401(c) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963),

77 Stat. 296. 42 USC 2691.

"(iii) ambulatory health care services (including surgical services provided on an outpatient basis), or

"(iv) institutional services which may substitute, at lower cost, for hospital care;

"(C) to determine whether the rates of payment or reimbursement for health care services, approved by a State for purposes of the administration of one or more of its laws, when utilized to determine the amount to be paid for services furnished in such State under the health programs established by the Social Security Act, would have the effect of reducing the costs of such programs without adversely affecting the quality of such services;

"(D) to determine whether payments under such programs based on a single combined rate of reimbursement or charge for

the teaching activities and patient care which residents, interns, and supervising physicians render in connection with a graduate medical education program in a patient facility would result in more equitable and economical patient care arrangements without adversely affecting the quality of such care;

"(E) to determine whether coverage of intermediate care facility services and homemaker services would provide suitable alternatives to posthospital benefits presently provided under title XVIII of the Social Security Act; such experiment and demonstration projects may include:

42 USC 1395.

"(i) counting each day of care in an intermediate care facility as one day of care in a skilled nursing facility, if such care was for a condition for which the individual was hospitalized,

"(ii) covering the services of homemakers for a maximum of 21 days, if institutional services are not medically appropriate,

"(iii) determining whether such coverage would reduce long-range costs by reducing the lengths of stay in hospitals and skilled nursing facilities, and

"(iv) establishing alternative eligibility requirements and determining the probable cost of applying each alternative, if the project suggests that such extension of coverage would be desirable;

"(F) to determine whether, and if so which type of, fixed price or performance incentive contract would have the effect of inducing to the greatest degree effective, efficient, and economical performance of agencies and organizations making payment under agreements or contracts with the Secretary for health care and services under health programs established by the Social Security Act;

42 USC 1305.

"(G) to determine under what circumstances payment for services would be appropriate and the most appropriate, equitable, and noninflationary methods and amounts of reimbursement under health care programs established by the Social Security Act for services, which are performed independently by an assistant to a physician, including a nurse practitioner (whether or not performed in the office of or at a place at which such physician is physically present), and—

"(i) which such assistant is legally authorized to perform by the State or political subdivision wherein such services are performed, and

"(ii) for which such physician assumes full legal and ethical responsibility as to the necessity, propriety, and quality thereof;

"(H) to establish an experimental program to provide day-care services, which consist of such personal care, supervision, and services as the Secretary shall by regulation prescribe, for individuals eligible to enroll in the supplemental medical insurance program established under part B of title XVIII and title XIX of the Social Security Act, in day-care centers which meet such standards as the Secretary shall by regulation establish; and

42 USC 1395j, 1396.

"(I) to determine whether the services of clinical psychologists may be made more generally available to persons eligible for services under titles XVIII and XIX of this Act in a manner consistent with quality of care and equitable and efficient administration.

For purposes of this subsection, 'health programs established by the Social Security Act' means the program established by title XVIII of such Act, a program established by a plan of a State approved under title XIX of such Act, and a program established by a plan of a State approved under title V of such Act. Definition. 42 USC 1395. 42 USC 1396. 42 USC 701.

"(2) Grants, payments under contracts, and other expenditures made for experiments and demonstration projects under paragraph (1) shall be made in appropriate part from the Federal Hospital Insurance Trust Fund (established by section 1817 of the Social Security Act) and the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act) and from funds appropriated under titles V and XIX of such Act. Grants and payments under contracts may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this section. With respect to any such grant, payment, or other expenditure, the amount to be paid from each of such trust funds (and from funds appropriated under such titles V and XIX) shall be determined by the Secretary, giving due regard to the purposes of the experiment or project involved." 42 USC 1395i. 42 USC 1395t.

(2) Section 402(b) of such amendments is amended— 42 USC 1395b-1.

(A) by striking out "experiment" each time it appears and inserting in lieu thereof "experiment or demonstration project";

(B) by striking out "experiments" and inserting in lieu thereof "experiments and projects"; and

(C) by striking out "reasonable charge" and inserting in lieu thereof "reasonable charge, or to reimbursement or payment only for such services or items as may be specified in the experiment".

(c) Section 1875(b) of the Social Security Act is amended— 42 USC 1395*ll*.

(1) by striking out "experimentation" and inserting in lieu thereof "experiments and demonstration projects", and

(2) by inserting "and the experiments and demonstration projects authorized by section 222(a) of the Social Security Amendments of 1972" after "1967". *Ante*, p. 1390.

LIMITATIONS ON COVERAGE OF COSTS UNDER MEDICARE

SEC. 223. (a) The first sentence of section 1861(v)(1) of the Social Security Act is amended by inserting immediately before "determined" where it first appears the following: "the cost actually incurred, excluding therefrom any part of incurred cost found to be unnecessary in the efficient delivery of needed health services, and shall be". 42 USC 1395x.

(b) The third sentence of section 1861(v)(1) of such Act is amended by striking out the comma after "services," where it last appears and inserting in lieu thereof the following: "may provide for the establishment of limits on the direct or indirect overall incurred costs or incurred costs of specific items or services or groups of items or services to be recognized as reasonable based on estimates of the costs necessary in the efficient delivery of needed health services to individuals covered by the insurance programs established under this title,".

(c) The fourth sentence of section 1861(v)(1) of such Act is amended by inserting after "services" when it first appears the following: "(excluding therefrom any such costs, including standby costs, which are determined in accordance with regulations to be unnecessary in the efficient delivery of services covered by the insurance programs established under this title)".

Ante, p. 1393.

(d) The fourth sentence of section 1861(v)(1) of such Act is further amended by striking out "costs with respect" where it first appears and inserting in lieu thereof the following: "necessary costs of efficiently delivering covered services".

42 USC 1395cc.

(e) Section 1866(a)(2)(B) of such Act is amended (1) by inserting "(i)" after "(B)", and (2) by adding at the end thereof the following new clause:

"(ii) Where a provider of services customarily furnishes an individual items or services which are more expensive than the items or services determined to be necessary in the efficient delivery of needed health services under this title and which have not been requested by such individual, such provider may (except with respect to emergency services) also charge such individual or other person for such more expensive items or services to the extent that the costs of (or, if less, the customary charges for) such more expensive items or services experienced by such provider in the second fiscal period immediately preceding the fiscal period in which such charges are imposed exceed the cost of such items or services determined to be necessary in the efficient delivery of needed health services, but only if—

"(I) the Secretary has provided notice to the public of any charges being imposed on individuals entitled to benefits under this title on account of costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under this title by particular providers of services in the area in which such items or services are furnished, and

"(II) the provider of services has identified such charges to such individual or other person, in such manner as the Secretary may prescribe, as charges to meet costs in excess of the cost determined to be necessary in the efficient delivery of needed health services under this title."

Ante, p. 1389.

(f) Section 1861(v) of such Act (as amended by section 221(c)(4) of this Act) is further amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) If a provider of services furnishes items or services to an individual which are in excess of or more expensive than the items or services determined to be necessary in the efficient delivery of needed health services and charges are imposed for such more expensive items or services under the authority granted in section 1866(a)(2)(B)(ii), the amount of payment with respect to such items or services otherwise due such provider in any fiscal period shall be reduced to the extent that such payment plus such charges exceed the cost actually incurred for such items or services in the fiscal period in which such charges are imposed."

Supra.

(g)(1) Section 1866(a)(2) of such Act is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) Where a provider of services customarily furnishes items or services which are in excess of or more expensive than the items or services with respect to which payment may be made under this title, such provider, notwithstanding the preceding provisions of this paragraph, may not, under the authority of section 1866(a)(2)(B)(ii), charge any individual or other person any amount for such items or services in excess of the amount of the payment which may otherwise be made for such items or services under this title if the admitting physician has a direct or indirect financial interest in such provider."

(2) The last paragraph of section 1866(a)(2) is amended by striking out "clause (iii) of the preceding sentence" and inserting in lieu thereof "subparagraph (C)".

Effective date.

(h) The amendments made by this section shall be effective with respect to accounting periods beginning after December 31, 1972.

LIMITS ON PREVAILING CHARGE LEVELS

SEC. 224. (a) Section 1842(b)(3) of the Social Security Act is amended by adding at the end thereof the following new sentences: "No charge may be determined to be reasonable in the case of bills submitted or requests for payment made under this part after December 31, 1970, if it exceeds the higher of (i) the prevailing charge recognized by the carrier and found acceptable by the Secretary for similar services in the same locality in administering this part on December 31, 1970, or (ii) the prevailing charge level that, on the basis of statistical data and methodology acceptable to the Secretary, would cover 75 percent of the customary charges made for similar services in the same locality during the last preceding calendar year elapsing prior to the start of the fiscal year in which the bill is submitted or the request for payment is made. In the case of physician services the prevailing charge level determined for purposes of clause (ii) of the preceding sentence for any fiscal year beginning after June 30, 1973, may not exceed (in the aggregate) the level determined under such clause for the fiscal year ending June 30, 1973, except to the extent that the Secretary finds, on the basis of appropriate economic index data, that such higher level is justified by economic changes. In the case of medical services, supplies, and equipment (including equipment servicing) that, in the judgment of the Secretary, do not generally vary significantly in quality from one supplier to another, the charges incurred after December 31, 1972, determined to be reasonable may not exceed the lowest charge levels at which such services, supplies, and equipment are widely and consistently available in a locality except to the extent and under the circumstances specified by the Secretary." 42 USC 1395u.

(b) The Health Insurance Benefits Advisory Council established under section 1867 of the Social Security Act shall conduct a study of the methods of reimbursement for physicians' services under Medicare for the purpose of evaluating their effects on (1) physicians' fees generally, (2) the extent of assignments accepted by physicians, and (3) the share of total physician-fee costs which the Medicare program does not pay and which the beneficiary must assume. The Council shall report the results of such study to the Congress no later than January 1, 1973, together with a presentation of alternatives to the present methods and its recommendations as to the preferred method. Reimbursement for physicians' services, study. *Post*, p. 1457. Report to Congress.

(c) Section 1903 of such Act is amended by adding at the end thereof (after the new subsections added by section 207(a)(1) of this Act) the following new subsection: 42 USC 1396b. *Ante*, p. 1379.

"(i) Payment under the preceding provisions of this section shall not be made with respect to any amount paid for items or services furnished under the plan after December 31, 1972, to the extent that such amount exceeds the charge which would be determined to be reasonable for such items or services under the third, fourth, and fifth sentences of section 1842(b)(3)." *Supra.*

(d) Section 506 of such Act is amended by adding at the end thereof the following new subsection: 81 Stat. 924. 42 USC 706.

"(f) Notwithstanding the preceding provisions of this section, no payment shall be made to any State thereunder with respect to any amount paid for items or services furnished under the plan after December 31, 1972, to the extent that such amount exceeds the charge which would be determined to be reasonable for such items or services under the third, fourth, and fifth sentences of section 1842(b)(3)." *Supra.*

LIMITS ON PAYMENT FOR SKILLED NURSING HOME AND INTERMEDIATE CARE FACILITY SERVICES

SEC. 225. Section 1903 of the Social Security Act is amended by adding at the end thereof (after the new subsection added by section 224 (c) of this Act) the following new subsection:

Ante, p. 1395.

"(j) Notwithstanding the preceding provisions of this section—

"(1) in determining the amount payable to any State with respect to expenditures for skilled nursing home services furnished in any calendar quarter beginning after December 31, 1972, there shall not be included as expenditures under the State plan any amount in excess of the product of (A) the number of inpatient days of skilled nursing home services provided under the State plan in such quarter, and (B) 105 per centum of the average per diem cost of such services for the fourth calendar quarter preceding such calendar quarter; and

"(2) in determining the amount payable to any State with respect to expenditures for intermediate care facility services furnished in any calendar quarter beginning after December 31, 1972, there shall not be included as expenditures under the State plan any amount in excess of the product of (A) the number of inpatient days of intermediate care facility services provided in such quarter under each of the plans of such State approved under titles I, X, XIV, XVI, and XIX, and (B) 105 per centum of the average per diem cost of such services for the fourth calendar quarter preceding such calendar quarter.

42 USC 301, 1201, 1351, 1381, 1396.

For purposes of determining the amount payable to any State with respect to any quarter under paragraphs (1) and (2), the Secretary may by regulation increase the percentage specified in clause (B) of each such paragraph to the extent necessary to take account of increases in per diem costs which result directly from increases in the Federal minimum wage, or which otherwise result directly from cost increases which the Secretary determines are attributable to the upgrading of services and facilities required by this Act or from provisions of Federal law enacted (or amendments to Federal law made) after the date of the enactment of the Social Security Amendments of 1972."

PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS

42 USC 1395.

SEC. 226. (a) Title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS

Post, p. 1411. 42 USC 1395*l*.

"SEC. 1876. (a)(1) In lieu of amounts which would otherwise be payable pursuant to sections 1814(b) and 1833(a), the Secretary is authorized to determine, by actuarial methods, as provided in this section, but only with respect to a health maintenance organization with which he has entered into a contract under subsection (i), a per capita rate of payment—

"(A) for services provided under parts A and B for individuals enrolled with such organization pursuant to subsection (e) who are entitled to hospital insurance benefits under part A and enrolled for medical insurance benefits under part B, and

"(B) for services provided under part B for individuals enrolled with such organization pursuant to subsection (e) who are not entitled to benefits under part A but who are enrolled for benefits under part B.

"(2) An interim per capita rate of payment for each health maintenance organization shall be determined annually by the Secretary on the basis of each organization's annual operating budget and enrollment forecast which shall be submitted (in such form and in such detail as the Secretary may prescribe) at least 90 days before the beginning of each contract year. Each interim rate shall be equal to the estimated per capita cost (based upon types and components of expenses otherwise reimbursable under this title) of providing services defined in paragraph (3)(A)(iii). In the event that the data requested to be furnished by a health maintenance organization are not furnished timely, such reduction in interim payments may be made by the Secretary as is appropriate, until such time as a reasonable estimate of per capita costs can be made. Each month, the Secretary shall pay each such organization its interim per capita rate, in advance, for each individual enrolled with it pursuant to subsection (e). Each such organization shall submit interim estimated cost reports and enrollment data on a quarterly basis in such form and manner satisfactory to the Secretary, and the Secretary shall adjust each interim per capita rate to the extent necessary to maintain interim payments at the level of current costs. Interim payments made under this paragraph shall be subject to retroactive adjustment at the end of each contract year as provided in paragraph (3).

Interim per capita rate.

Infra.

Interim estimated cost reports.

"(3)(A) With respect to any health maintenance organization which has entered into a risk sharing contract with the Secretary pursuant to subsection (i)(2)(A), payments made to such organization shall be subject to the following adjustments at the end of each contract year:

Adjustments.

"(i) if the Secretary determines that the per capita incurred cost of any such organization in any contract year for providing services described in paragraph (1) is less than the adjusted average per capita incurred cost (as defined herein) of providing such services, the resulting difference (hereinafter referred to as 'savings') shall be apportioned following the close of a contract year for such year between such organization and the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (hereinafter collectively referred to as the 'Medicare Trust Funds') as follows:

Per capita incurred cost, apportionment.

"(I) savings up to 20 percent of the adjusted average per capita cost shall be apportioned equally between such organization and the Medicare Trust Funds;

"(II) savings in excess of 20 percent of the adjusted average per capita cost shall be apportioned entirely to such Trust Funds;

"(ii) if the Secretary determines that the per capita incurred cost of any such organization in any contract year for providing services described in paragraph (1) is greater than the adjusted average per capita incurred cost of providing such services, the resulting difference (hereinafter referred to as 'losses'), shall be absorbed by such organization, and shall be carried forward and offset from savings realized in later years, with the apportionment of savings being proportional to the losses absorbed and not yet offset;

Losses.

"(iii) determination of any amounts payable at the close of the contract year to such organization or to the Trust Funds shall be made as follows:

"(I) within 90 days after close of a contract year, interim determination of the amount of estimated savings and apportionment thereof shall be made, actuarially, on the basis of interim reports of costs incurred by an organization, and

adjusted average per capita costs incurred (as defined herein), and other evidence acceptable to the Secretary and one-half of any amounts deemed payable to such organization or the Trust Funds shall be paid by such organization or the Secretary as appropriate;

"(II) final settlement and payment by the Secretary or organization, as appropriate, of any additional amounts due on basis of such final settlement will be made where adequate data for actuarial computation are available, in timely fashion following submission by such organization of reports specified in subparagraph (C) of this paragraph; and

"(III) where such final settlement is reached more than 90 days following submission of reports specified in subparagraph (C) of this paragraph, any amount payable by the Secretary or organization shall be increased by an interest amount, accruing from the 91st day following submission of such report, equal to the average rate of interest payable on Federal obligations if issued on such 91st day for purchase by the Trust Funds.

"Adjusted average per capita cost."

"(iv) The term 'adjusted average per capita cost' means the average per capita amount that the Secretary determines (on the basis of actual experience, or retrospective actuarial equivalent based upon an adequate sample and other information and data, in the geographic area served by a health maintenance organization or in a similar area, with appropriate adjustment to assure actuarial equivalence, including adjustments relating to age distribution, sex, race, institutional status, disability status, and any other relevant factors) would be payable in any contract year for services covered under this title and types of expenses otherwise reimbursable under this title (including administrative costs incurred by organizations described in sections 1816 and 1842) if such services were to be furnished by other than such health maintenance organization.

79 Stat. 297; *Post*, p. 1449. 42 USC 1395h, 1395u.

Retroactive corrective adjustments.

"(B) With respect to any health maintenance organization which has entered into a reasonable cost reimbursement contract with the Secretary pursuant to subsection (i)(2)(B), payments made to such organization shall be subject to suitable retroactive corrective adjustments at the end of each contract year so as to assure that such organization is paid for the reasonable cost actually incurred (excluding therefrom any part of incurred cost found to be unnecessary in the efficient delivery of health services) for the types of expenses otherwise reimbursable under this title for providing services covered under this title to individuals described in paragraph (1).

"(C) Any contract with a health maintenance organization under this title shall provide that the Secretary shall require, at such time following the expiration of each accounting period of a health maintenance organization (and in such form and in such detail) as he may prescribe:

"(i) that such health maintenance organization report to him in an independently certified financial statement its per capita incurred cost based on the types and components of expenses otherwise reimbursable under this title for providing services described in paragraph (1), including therein, in accordance with accounting procedures prescribed by the Secretary, its methods of allocating costs between individuals enrolled under this section and other individuals enrolled with such organization;

"(ii) that failure to report such information as may be required may be deemed to constitute evidence of likely overpayment on the basis of which appropriate collection action may be taken;

"(iii) that in any case in which a health maintenance organization is related to another organization by common ownership or control, a consolidated financial statement shall be filed and that the allowable costs for such organization may not include costs for the types of expense otherwise reimbursable under this title, in excess of those which would be determined to be reasonable in accordance with regulations (providing for limiting reimbursement to costs rather than charges to the health maintenance organization by related organizations and owners) issued by the Secretary in accordance with section 1861(v) of the Social Security Act; and

42 USC 1395x.

"(iv) that in any case in which compensation is paid by a health maintenance organization substantially in excess of what is normally paid for similar services by similar practitioners (regardless of method of compensation), such compensation may as appropriate be considered to constitute a distribution of profits.

"(4) The payments to health maintenance organizations under this subparagraph with respect to individuals described in subsection (a)(1)(A) shall be made from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund. The portion of such payment to such an organization for a month to be paid by the latter trust fund shall be equal to 200 percent of the sum of—

"(A) the product of (i) the number of covered enrollees of such organization for such month (as described in paragraph (1)) who have attained age 65, and (ii) the monthly actuarial rate for supplementary medical insurance for such month as determined under section 1839(c)(1), and

Ante, p. 1376.

"(B) the product of (i) the number of covered enrollees of such organization for such month (as described in paragraph (1)) who have not attained age 65, and (ii) the monthly actuarial rate for supplementary medical insurance for such month as determined under section 1839(c)(4).

Ante, p. 1377.

The remainder of such payment shall be paid by the former trust fund. For limitation on Federal participation for capital expenditures which are out of conformity with a comprehensive plan of a State or areawide planning agency, see section 1122.

Ante, p. 1386.

"(b) The term 'health maintenance organization' means a public or private organization which—

"Health maintenance organization."

"(1) provides, either directly or through arrangements with others, health services to individuals enrolled with such organization on the basis of a predetermined periodic rate without regard to the frequency or extent of services furnished to any particular enrollee;

"(2) provides, either directly or through arrangements with others, to the extent applicable in subsection (c) (through institutions, entities, and persons meeting the applicable requirements of section 1861), all of the services and benefits covered under parts A and B of this title which are available to individuals residing in the geographic area served by the health maintenance organization;

42 USC 1395x.
42 USC 1395c, 1395j.

"(3) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) under arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each such group is reimbursed for its services primarily on the basis of an aggregate fixed sum or on a

per capita basis, regardless of whether the individual physician members of any such group are paid on a fee-for-service or other basis;

"(4) provides either directly or under arrangements with others, the services of a sufficient number of primary care and specialty care physicians to meet the health needs of its members; for purposes of this section the term 'specialty care physician' means a physician who is either board certified or eligible for board certification, except that the Secretary may by regulation prescribe conditions under which physicians who have a record of demonstrated proficiency but who are not eligible for board certification may, on the basis of training and experience, be recognized as specialty care physicians;

"Specialty care physician."

"(5) has effective arrangements to assure that its members have access to qualified practitioners in those specialties which are generally available in the geographic area served by the health maintenance organization;

"(6) demonstrates to the satisfaction of the Secretary proof of financial responsibility and proof of capability to provide comprehensive health care services, including institutional services, efficiently, effectively, and economically;

"(7) except as provided in subsection (h), has at least half of its enrolled members consisting of individuals under age 65;

"(8) assures that the health services required by its members are received promptly and appropriately and that the services that are received measure up to quality standards which it establishes in accordance with regulations; and

"(9) has an open enrollment period at least every year under which it accepts up to the limits of its capacity and without restrictions, except as may be authorized in regulations, individuals who are eligible to enroll under subsection (d) in the order in which they apply for enrollment (unless to do so would result in failure to meet the requirements of paragraph (7)) or would result in enrollment of enrollees substantially nonrepresentative, as determined in accordance with regulations of the Secretary, of the population in the geographic area served by such health maintenance organization.

"(c) The benefits provided under this section to enrollees of an organization which has entered into a risk sharing contract with the Secretary pursuant to subsection (i)(2)(A) shall consist of—

Post, p. 1401.

"(1) in the case of an individual who is entitled to hospital insurance benefits under part A and enrolled for medical insurance benefits under part B—

42 USC 1395c.
42 USC 1395j.

"(A) entitlement to have payment made on his behalf for all services described in section 1812 and section 1832 which are furnished to him by the health maintenance organization with which he is enrolled pursuant to subsection (e) of this section; and

79 Stat. 291.
42 USC 1395d.
Post, p. 1406.

"(B) entitlement to have payment made by such health maintenance organization to him or on his behalf for (i) such emergency services (as defined in regulations), (ii) such urgently needed services (as defined in regulations) furnished to him during a period of temporary absence (as defined in regulations) from the geographic area served by the health maintenance organization with which he is enrolled, and (iii) such other services as may be determined, in accordance with subsection (f), to be services which the individual was entitled to have furnished by the health

maintenance organization, as may be furnished to him by a physician, supplier, or provider of services, other than the health maintenance organization with which he is enrolled; and

"(2) in the case of an individual who is not entitled to hospital insurance benefits under part A but who is enrolled for medical insurance benefits under part B, entitlement to have payment made for services described in paragraph (1), but only to the extent that such services are also described in section 1832.

42 USC 1395c.
42 USC 1395j.
79 Stat. 302.
42 USC 1395k.

"(d) Subject to the provisions of subsection (e), every individual described in subsection (c) shall be eligible to enroll with any health maintenance organization (as defined in subsection (b)) which serves the geographic area in which such individual resides.

"(e) An individual may enroll with a health maintenance organization under this section, and may terminate such enrollment, as may be prescribed by regulations.

"(f) Any individual enrolled with a health maintenance organization under this section who is dissatisfied by reason of his failure to receive without additional cost to him any health service to which he believes he is entitled shall, if the amount in controversy is $100 or more, be entitled to a hearing before the Secretary to the same extent as is provided in section 205(b) and in any such hearing the Secretary shall make such health maintenance organization a party thereto. If the amount in controversy is $1,000 or more, such individual or health maintenance organization shall be entitled to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

Hearings; judicial review.
53 Stat. 1368.
42 USC 405.

"(g)(1) If the health maintenance organization provides its enrollees under this section only the services described in subsection (c), its premium rate or other charges for such enrollees shall not exceed the actuarial value of the deductible and coinsurance which would otherwise be applicable to such enrollees under part A and part B, if they were not enrolled under this section.

"(2) If the health maintenance organization provides to its enrollees under this section services in addition to those described in subsection (c), election of coverage for such additional services shall be optional for such enrollees and such organization shall furnish such enrollees with information on the portion of its premium rate or other charges applicable to such additional services. The portion applicable to the services described in subsection (c) may not exceed (i) the actuarial value of the deductible and coinsurance which would otherwise be applicable to such enrollees under part A and part B if they were not enrolled under this section less (ii) the actuarial value of other charges made in lieu of such deductible and coinsurance.

"(h) The provisions of paragraph (7) of subsection (b) shall not apply with respect to any health maintenance organization for such period not to exceed three years from the date such organization enters into an agreement with the Secretary pursuant to subsection (i), as the Secretary may permit, but only so long as such organization demonstrates to the satisfaction of the Secretary by the submission of its plans for each year that it is making continuous efforts and progress toward achieving compliance with the provisions of such paragraph (7) within such three-year period.

Nonapplicability.

"(i)(1) Subject to the limitations contained in subparagraphs (A) and (B) of paragraph (2), the Secretary is authorized to enter into a contract with any health maintenance organization which undertakes to provide, on an interim per capita prepayment basis, the services described in section 1832 (and section 1812, in the case of indi-

Contract authority.
42 USC 1395d.

42 USC 1395c.

viduals who are entitled to hospital insurance benefits under part A) to individuals enrolled with such organization pursuant to subsection (e).

Risk-sharing contract.

"(2)(A) If the health maintenance organization (i) has a current enrollment of not less than 25,000 members on a prepaid capitation basis and has been the primary source of health care of at least 8,000 persons in each of the two years immediately preceding the contract year, or (ii) serves a nonurban geographic area, has a current enrollment of not less than 5,000 members on a prepaid capitation basis and has been the primary source of health care for at least 1,500 persons in each of the three years immediately preceding the contract year, the Secretary may enter into a risk sharing contract with such organization pursuant to which any savings, as determined pursuant to subsection (a)(3)(A), are shared between such organization and the Medicare Trust Funds in the manner prescribed in such subsection. For purposes of this subparagraph, a health maintenance organization shall be considered to serve a nonurban geographic area if it is located in a nonmetropolitan county (that is, a county with fewer than 50,000 inhabitants), or if it has at least one such county in its normal service area, or if it is located outside of a metropolitan area and its facilities are within reasonable travel distance (as defined by the Secretary) of fewer than 50,000 individuals. No health maintenance organization which has entered into a risk-sharing contract with the Secretary under this subparagraph and has voluntarily terminated such contract may again enter into such a contract.

Nonurban geographic area.

Prohibition.

"(B) If the health maintenance organization does not meet the requirements of subparagraph (A), or if the Secretary is not satisfied that the health maintenance organization has the capacity to bear the risk of potential losses as determined under clause (ii) of subsection (a)(3)(A), or if the health maintenance organization meeting the requirements of subparagraph (A) so elects, or if an organization does not fully meet the requirements of section 1876(b) but has demonstrated to the satisfaction of the Secretary that it is making reasonable efforts to meet, and is developing the capability to fully meet, such requirements, and that it fully meets such basic requirements as the Secretary shall prescribe in regulations, the Secretary may, if he is otherwise satisfied that the health maintenance organization or other organization is able to perform its contractual obligations effectively and efficiently, enter into a contract with such organization pursuant to which such organization is reimbursed on the basis of its reasonable cost (as defined in section 1861(v)) in the manner prescribed in subsection (a)(3)(B).

Ante, p. 1399.

42 USC 1395x.

"(3) Such contract may, at the option of such organization, provide that the Secretary (A) will reimburse hospitals and extended care facilities for the reasonable cost (as determined under section 1861(v)) of services furnished to individuals enrolled with such organization pursuant to subsection (e), and (B) will deduct the amount of such reimbursement from payments which would otherwise be made to such organization. If a health maintenance organization pays a hospital or extended care facility directly, the amount paid shall not exceed the reasonable cost of the services (as determined under section 1861(v)) unless such organization demonstrates to the satisfaction of the Secretary that such excess payments are justified on the basis of advantages gained by the organization.

Contract term, renewal.

"(4) Each contract under this section shall be for a term of at least one year, as determined by the Secretary, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term; except that the Secretary may terminate any such contract at any

time (after such reasonable notice and opportunity for hearing to the health maintenance organization involved as he may provide in regulations), if he finds that the organization (A) has failed substantially to carry out the contract, (B) is carrying out the contract in a manner inconsistent with the efficient and effective administration of this section, or (C) no longer substantially meets the applicable conditions of subsection (b). Contract termination, notice, hearing.

"(5) The effective date of any contract executed pursuant to this subsection shall be specified in such contract pursuant to the regulations.

"(6) Each contract under this section—

"(A) shall provide that the Secretary, or any person or organization designated by him—

"(i) shall have the right to inspect or otherwise evaluate the quality, appropriateness, and timeliness of services performed under such contract; and Inspection authority.

"(ii) shall have the right to audit and inspect any books and records of such health maintenance organization which pertain to services performed and determinations of amounts payable under such contract;

"(B) shall provide that no reinsurance costs (other than those with respect to out-of-area services), including any underwriting of risk relating to costs in excess of adjusted average per capita cost, as defined in clause (iii) of subsection (a)(3)(A), shall be allowed for purposes of determining payments authorized under this section; and

"(C) shall contain such other terms and conditions not inconsistent with this section as the Secretary may find necessary.

"(j) The function vested in the Secretary by subsection (i) may be performed without regard to such provisions of law or of other regulations relating to the making, performance, amendment, or modification of contracts of the United States as the Secretary may determine to be inconsistent with the furtherance of the purposes of this title."

(b)(1) Notwithstanding the provisions of section 1814 and section 1833 of the Social Security Act, any health maintenance organization which has entered into a contract with the Secretary pursuant to section 1876 of such Act shall, for the duration of such contract, (except as provided in paragraph (2)) be entitled to reimbursement only as provided in section 1876 of such Act for individuals who are members of such organizations. 42 USC 1395f, 1395l. *Ante*, p. 1396.

(2) With respect to individuals who are members of organizations which have entered into a risk-sharing contract with the Secretary pursuant to subsection (i)(2)(A) prior to July 1, 1973, and who, although eligible to have payment made pursuant to section 1876 of such Act for services rendered to them, chose (in accordance with regulations) not to have such payment made pursuant to such section, the Secretary shall, for a period not to exceed three years commencing on July 1, 1973, pay to such organization on the basis of an interim per capita rate, determined in accordance with the provisions of section 1876(a)(2) of such Act, with appropriate actuarial adjustments to reflect the difference in utilization of out-of-plan services, which would have been considered sufficiently reasonable and necessary under the rules of the health maintenance organization to be provided by that organization, between such individuals and individuals who are enrolled with such organization pursuant to section 1876 of such Act. Payments under this paragraph shall be subject to retroactive adjustment at the end of each contract year as provided in paragraph (3). *Ante*, p. 1402.

Retroactive adjustment.

(3) If the Secretary determines that the per capita cost of any such organization in any contract year for providing services to individuals described in paragraph (2), when combined with the cost of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such year for providing out-of-plan services to such individuals, is less than or greater than the adjusted average per capita cost (as defined in section 1876(a)(3) of such Act) of providing such services, the resulting savings shall be apportioned between such organization and such Trust Funds, or the resulting losses shall be absorbed by such organization, in the manner prescribed in section 1876(a)(3) of such Act.

Ante, p. 1396.

79 Stat. 294.
42 USC 1395f.

(c)(1) Section 1814(a) of such Act is amended by striking out "Except as provided in subsection (d)," and inserting in lieu thereof the following: "Except as provided in subsection (d) and in section 1876,".

79 Stat. 302.
42 USC 1395l.

(2) Section 1833(a) of such Act is amended by striking out "Subject to" and inserting in lieu thereof the following: "Except as provided in section 1876, and subject to".

Ante, p. 1393.

(d) Section 1875(b) of the Social Security Act, as amended by section 222(c) of this Act, is further amended—

(1) by inserting "the operation and administration of health maintenance organizations authorized by section 226 of the Social Security Amendments of 1972," after the word "including"; and

Ante, p. 1396.

(2) by striking out "1971" and inserting in lieu thereof "1972".

42 USC 1396b.

(e) Section 1903 of such Act, as amended by sections 207, 224, and 290 of this Act, is further amended by adding after subsection (j) the following new subsection:

Technical assistance to States.

"(k) The Secretary is authorized to provide at the request of any State (and without cost to such State) such technical and actuarial assistance as may be necessary to assist such State to contract with any health maintenance organization which meets the requirements of section 1876 for the purpose of providing medical care and services to individuals who are entitled to medical assistance under this title."

Effective date.

(f) The amendments made by this section shall be effective with respect to services provided on or after July 1, 1973.

PAYMENT UNDER MEDICARE FOR SERVICES OF PHYSICIANS RENDERED AT A TEACHING HOSPITAL

42 USC 1395x.

SEC. 227. (a) Section 1861(b) of the Social Security Act is amended by striking out the second sentence and inserting in lieu thereof the following:

"Paragraph (4) shall not apply to services provided in a hospital by—

"(6) an intern or a resident-in-training under a teaching program approved by the Council on Medical Education of the American Medical Association or, in the case of an osteopathic hospital, approved by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, or, in the case of services in a hospital or osteopathic hospital by an intern or resident-in-training in the field of dentistry, approved by the Council on Dental Education of the American Dental Association; or

"(7) a physician where the hospital has a teaching program approved as specified in paragraph (6), unless (A) such inpatient is a private patient (as defined in regulations), or (B) the hospital establishes that during the two-year period ending December 31, 1967, and each year thereafter all inpatients have been

regularly billed by the hospital for services rendered by physicians and reasonable efforts have been made to collect in full from all patients and payment of reasonable charges (including applicable deductibles and coinsurance) has been regularly collected in full or in substantial part from at least 50 percent of all inpatients."

(b)(1) So much of section 1814(a) of such Act as precedes paragraph (1) (as amended by section 226(c)(1) of this Act) is further amended by striking out "subsection (d)" and inserting in lieu thereof "subsections (d) and (g)". 42 USC 1395f.

(2) Section 1814 is further amended by adding at the end thereof the following new subsection: *Ante*, p. 1382.

"Payment for Services of a Physician Rendered in a Teaching Hospital

"(g) For purposes of services for which the reasonable cost thereof is determined under section 1861(v)(1)(D), payment under this part shall be made to such fund as may be designated by the organized medical staff of the hospital in which such services were furnished or, if such services were furnished in such hospital by the faculty of a medical school, to such fund as may be designated by such faculty, but only if— *Infra.*

"(1) such hospital has an agreement with the Secretary under section 1866, and 42 USC 1395cc.

"(2) the Secretary has received written assurances that (A) such payment will be used by such fund solely for the improvement of care of hospital patients or for educational or charitable purposes and (B) the individuals who were furnished such services or any other persons will not be charged for such services (or if charged, provision will be made for return of any moneys incorrectly collected)."

(c) Section 1861(v)(1) of such Act (as amended by section 223 of this Act) is amended— 42 USC 1395x.

(1) by inserting "(A)" after "(1)";

(2) by striking out "(A) take" and "(B) provide" in the fourth sentence and inserting in lieu thereof "(i) take" and "(ii) provide", respectively;

(3) by inserting "(B)" immediately preceding "Such regulations in the case of extended care services"; and

(4) by adding at the end thereof the following new subparagraphs:

"(C) Where a hospital has an arrangement with a medical school under which the faculty of such school provides services at such hospital, an amount not in excess of the reasonable cost of such services to the medical school shall be included in determining the reasonable cost to the hospital of furnishing services—

"(i) for which payment may be made under part A, but only if 42 USC 1395c.

"(I) payment for such services as furnished under such arrangement would be made under part A to the hospital had such services been furnished by the hospital, and

"(II) such hospital pays to the medical school at least the reasonable cost of such services to the medical school, or

42 USC 1395j.

"(ii) for which payment may be made under part B, but only if such hospital pays to the medical school at least the reasonable cost of such services to the medical school.

"(D) Where (i) physicians furnish services which are either inpatient hospital services (including services in conjunction with the teaching programs of such hospital) by reason of paragraph (7) of subsection (b) or for which entitlement exists by reason of clause (II) of section 1832 (a)(2)(B) (i) and (ii) such hospital (or medical school under arrangement with such hospital) incurs no actual cost in the furnishing of such services, the reasonable cost of such services shall (under regulations of the Secretary) be deemed to be the cost such hospital or medical school would have incurred had it paid a salary to such physicians rendering such services approximately equivalent to the average salary paid to all physicians employed by such hospital (or if such employment does not exist, or is minimal in such hospital, by similar hospitals in a geographic area of sufficient size to assure reasonable inclusion of sufficient physicians in development of such average salary)."

Infra.

42 USC 1395x.

(d)(1) Section 1861(u) of such Act is amended by inserting before the period at the end thereof the following: ", or, for purposes of section 1814(g) and section 1835(e), a fund".

Ante, p. 1405; *Infra.*

(2) So much of section 1866(a)(1) of such Act as precedes subparagraph (A) is amended by inserting "(except a fund designated for purposes of section 1814(g) and section 1835(e))" after "provider of services".

42 USC 1395cc.

42 USC 1395k.

(e)(1) Section 1832(a)(2)(B) of such Act is amended to read as follows:

"(B) medical and other health services furnished by a provider of services or by others under arrangement with them made by a provider of services, excluding—

"(i) physician services except where furnished by—

"(I) a resident or intern of a hospital, or

"(II) a physician to a patient in a hospital which has a teaching program approved as specified in paragraph (6) of section 1861(b) (including services in conjunction with the teaching programs of such hospital whether or not such patient is an inpatient of such hospital), unless either clause (A) or (B) of paragraph (7) of such section is met, and

Ante, p. 1404.

"(ii) services for which payment may be made pursuant to section 1835(b)(2); and".

42 USC 1395n.

(2)(A) So much of section 1835(a) of such Act as precedes paragraph (1) is amended by striking out "subsections (b) and (c)," and inserting in lieu thereof "subsections (b), (c), and (e),".

(B) Section 1835 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) For purposes of services (1) which are inpatient hospital services by reason of paragraph (7) of section 1861(b) or for which entitlement exists by reason of clause (II) of section 1832(a)(2)(B) (i), and (2) for which the reasonable cost thereof is determined under section 1861(v)(1)(D), payment under this part shall be made to such fund as may be designated by the organized medical staff of the hospital in which such services were furnished or, if such services were furnished in such hospital by the faculty of a medical school, to such fund as may be designated by such faculty, but only if—

Ante, p. 1404.

Supra.

Ante, p. 1405.

"(1) such hospital has an agreement with the Secretary under section 1866, and 42 USC 1395cc.

"(2) the Secretary has received written assurances that such payment will be used by such fund solely for the improvement of care to patients in such hospital or for educational or charitable purposes and (B) the individuals who were furnished such services or any other persons will not be charged for such services (or if charged provision will be made for return for any moneys incorrectly collected)."

(3) Section 1842(a) of such Act is amended by inserting after "which involve payments for physicians' services" the following: "on a reasonable charge basis". 42 USC 1395u.

(f) Section 1861(q) of such Act is amended by striking out the parenthetical phrase "(but not including services described in the last sentence of subsection (b))" and inserting in lieu thereof "(but not including services described in subsection (b)(6))". 42 USC 1395x.

Ante, p. 1404.

(g) The amendments made by this section shall apply with respect to accounting periods beginning after June 30, 1973. Effective date.

ADVANCE APPROVAL OF EXTENDED CARE AND HOME HEALTH COVERAGE UNDER MEDICARE

SEC. 228. (a) Section 1814 of the Social Security Act (as amended by section 227(b)(2) of this Act) is amended by adding at the end thereof the following new subsections: *Ante*, p. 1405.

"Payment for Posthospital Extended Care Services

"(h)(1) An individual shall be presumed to require the care specified in subsection (a)(2)(C) of this section for purposes of making payment to an extended care facility (subject to the provisions of section 1812) for posthospital extended care services which are furnished by such facility to such individual if— *Post*, p. 1425. 42 USC 1395d.

"(A) the certification referred to in subsection (a)(2)(C) of this section is submitted prior to or at the time of admission of such individual to such extended care facility,

"(B) such certification states that the medical condition of the individual is a condition designated in regulations,

"(C) such certification is accompanied by a plan of treatment for providing such services, and

"(D) there is compliance with such other requirements and procedures as may be specified in regulations,

but only for services furnished during such limited periods of time with respect to such conditions of the individual as may be prescribed in regulations by the Secretary, taking into account the medical severity of such conditions, the degree of incapacity, and the minimum length of stay in an institution generally needed for such conditions, and such other factors affecting the type of care to be provided as the Secretary deems pertinent.

"(2) If the Secretary determines with respect to a physician that such physician is submitting with some frequency (A) erroneous certifications that individuals have conditions designated in regulations as provided in this subsection or (B) plans for providing services which are inappropriate, the provisions of paragraph (1) shall not apply, after the effective date of such determination, in any case in which such physician submits a certification or plan referred to in subparagraph (A), (B), or (C) of paragraph (1). Erroneous certification, nonapplicability.

"Payment for Posthospital Home Health Services

"(i)(1) An individual shall be presumed to require the services specified in subsection (a)(2)(D) of this section for purposes of making payment to a home health agency (subject to the provisions of section 1812) for posthospital home health services furnished by such agency to such individual if—

42 USC 1395f.

42 USC 1395d.

"(A) the certification and plan referred to in subsection (a)(2)(D) of this section are submitted in timely fashion prior to the first visit by such agency,

"(B) such certification states that the medical condition of the individual is a condition designated in regulations, and

"(C) there is compliance with such other requirements and procedures as may be specified in regulations,

but only for services furnished during such limited numbers of visits with respect to such conditions of the individual as may be prescribed in regulations by the Secretary, taking into account the medical severity of such conditions, the degree of incapacity, and the minimum period of home confinement generally needed for such conditions, and such other factors affecting the type of care to be provided as the Secretary deems pertinent.

Erroneous certification, nonapplicability.

"(2) If the Secretary determines with respect to a physician that such physician is submitting with some frequency (A) erroneous certifications that individuals have conditions designated in regulations as provided in this subsection or (B) plans for providing services which are inappropriate, the provisions of paragraph (1) shall not apply, after the effective date of such determination, in any case in which such physician submits a certification or plan referred to in subparagraph (A) or (B) of paragraph (1)."

Effective date.

(b) The amendment made by subsection (a) and any regulations adopted pursuant to such amendment shall apply with respect to plans of care initiated on or after January 1, 1973, and with respect to admission to skilled nursing facilities and home health plans initiated on or after such date.

AUTHORITY OF SECRETARY TO TERMINATE PAYMENTS TO SUPPLIERS OF SERVICES

SEC. 229. (a) Section 1862 of the Social Security Act (as amended by section 210 of this Act) is further amended by adding at the end thereof the following new subsection:

Ante, p. 1382.

"(d)(1) No payment may be made under this title with respect to any item or services furnished to an individual by a person where the Secretary determines under this subsection that such person—

"(A) has knowingly and willfully made, or caused to be made, any false statement or representation of a material fact for use in an application for payment under this title or for use in determining the right to a payment under this title;

"(B) has submitted or caused to be submitted (except in the case of a provider of services), bills or requests for payment under this title containing charges (or in applicable cases requests for payment of costs to such person) for services rendered which the Secretary finds, with the concurrence of the appropriate program review team appointed pursuant to paragraph (4), to be substantially in excess of such person's customary charges (or in applicable cases substantially in excess of such person's costs) for such services, unless the Secretary finds there is good cause for such bills

Post, p. 1409.

or requests containing such charges (or in applicable cases, such costs); or

"(C) has furnished services or supplies which are determined by the Secretary, with the concurrence of the members of the appropriate program review team appointed pursuant to paragraph (4) who are physicians or other professional personnel in the health care field, to be substantially in excess of the needs of individuals or to be harmful to individuals or to be of a grossly inferior quality.

Infra.

"(2) A determination made by the Secretary under this subsection shall be effective at such time and upon such reasonable notice to the public and to the person furnishing the services involved as may be specified in regulations. Such determination shall be effective with respect to services furnished to an individual on or after the effective date of such determination (except that in the case of inpatient hospital services, posthospital extended care services, and home health services such determination shall be effective in the manner provided in section 1866(b) (3) and (4) with respect to terminations of agreements), and shall remain in effect until the Secretary finds and gives reasonable notice to the public that the basis for such determination has been removed and that there is reasonable assurance that it will not recur.

Determination, effective date, public notice.

Post, p. 1427.

"(3) Any person furnishing services described in paragraph (1) who is dissatisfied with a determination made by the Secretary under this subsection shall be entitled to reasonable notice and opportunity for a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

Judicial review.

42 USC 405.

"(4) For the purposes of paragraph (1) (B) and (C) of this subsection, and clause (F) of section 1866(b)(2), the Secretary shall, after consultation with appropriate State and local professional societies, the appropriate carriers and intermediaries utilized in the administration of this title, and consumer representatives familiar with the health needs of residents of the State, appoint one or more program review teams (composed of physicians, other professional personnel in the health care field, and consumer representatives) in each State which shall, among other things—

Program review teams.
Infra.

"(A) undertake to review such statistical data on program utilization as may be submitted by the Secretary,

"(B) submit to the Secretary periodically, as may be prescribed in regulations, a report on the results of such review, together with recommendations with respect thereto,

Report to Secretary.

"(C) undertake to review particular cases where there is a likelihood that the person or persons furnishing services and supplies to individuals may come within the provisions of paragraph (1) (B) and (C) of this subsection or clause (F) of section 1866(b)(2), and

"(D) submit to the Secretary periodically, as may be prescribed in regulations, a report of cases reviewed pursuant to subparagraph (C) along with an analysis of, and recommendations with respect to, such cases."

Report to Secretary.

(b) Section 1866(b)(2) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", or (D) that such provider has made, or caused to be made, any false statement or representation of a material fact for use in an application for payment under this title or for use in determining the right to a payment under this title, or (E) that such provider has submitted, or caused to be submitted, requests for payment under this title of amounts for rendering services substantially in excess of the

42 USC 1395cc.

costs incurred by such provider for rendering such services, or (F) that such provider has furnished services or supplies which are determined by the Secretary, with the concurrence of the members of the appropriate program review team appointed pursuant to section 1862(d)(4) who are physicians or other professional personnel in the health care field, to be substantially in excess of the needs of individuals or to be harmful to individuals or to be of a grossly inferior quality."

Ante, p. 1408.

Ante, p. 1395.

(c) Section 1903(i) of such Act (as added by section 224(c) of this Act) is further amended by striking out "shall not be made" and all that follows and inserting in lieu thereof the following: "shall not be made—

"(1) with respect to any amount paid for items or services furnished under the plan after December 31, 1972, to the extent that such amount exceeds the charge which would be determined to be reasonable for such items or services under the fourth and fifth sentences of section 1842(b)(3); or

Ante, p. 1395; *Post*, p. 1447.

"(2) with respect to any amount paid for services furnished under the plan after December 31, 1972, by a provider or other person during any period of time, if payment may not be made under title XVIII with respect to services furnished by such provider or person during such period of time solely by reason of a determination by the Secretary under section 1862(d)(1) or under clause (D), (E), or (F) of section 1866(b)(2)."

42 USC 1395.

Ante, p. 1408.

Ante, p. 1409.

Ante, p. 1395.

(d) Section 506(f) of such Act (as added by section 224(d) of this Act) is further amended by striking out "no payment shall be made" and all that follows and inserting in lieu thereof the following: "no payment shall be made to any State thereunder—

"(1) with respect to any amount paid for items or services furnished under the plan after December 31, 1972, to the extent that such amount exceeds the charge which would be determined to be reasonable for such items or services under the fourth and fifth sentences of section 1842(b)(3); or

"(2) with respect to any amount paid for services furnished under the plan after December 31, 1972, by a provider or other person during any period of time, if payment may not be made under title XVIII with respect to services furnished by such provider or person during such period of time solely by reason of a determination by the Secretary under section 1862(d)(1) or under clause (D), (E), or (F) of section 1866(b)(2)."

ELIMINATION OF REQUIREMENT THAT STATES MOVE TOWARD COMPREHENSIVE MEDICAID PROGRAMS

Repeals. 42 USC 1396b. 42 USC 1396b note.

SEC. 230. Section 1903(e) of the Social Security Act, and section 2(b) of Public Law 91-56 (approved August 9, 1969), are repealed.

REPEAL OF SECTION 1902(d) OF MEDICAID

42 USC 1396a.

SEC. 231. Section 1902(d) of the Social Security Act is repealed.

DETERMINATION OF REASONABLE COST OF INPATIENT HOSPITAL SERVICES UNDER MEDICAID AND UNDER MATERNAL AND CHILD HEALTH PROGRAM

81 Stat. 902. 42 USC 1396a.

SEC. 232. (a) Section 1902(a)(13)(D) of the Social Security Act is amended to read as follows:

"(D) for payment of the reasonable cost of inpatient hospital services provided under the plan, as determined in

accordance with methods and standards which shall be developed by the State and reviewed and approved by the Secretary and (after notice of approval by the Secretary) included in the plan, except that the reasonable cost of any such services as determined under such methods and standards shall not exceed the amount which would be determined under section 1861(v) as the reasonable cost of such services for purposes of title XVIII;". 42 USC 1395x.

(b) Section 505(a)(6) of such Act is amended to read as follows: 42 USC 1395. 42 USC 705.

"(6) provides for payment of the reasonable cost of inpatient hospital services provided under the plan, as determined in accordance with methods and standards which shall be developed by the State and included in the plan, except that the reasonable cost of any such services as determined under such methods and standards shall not exceed the amount which would be determined under section 1861(v) as the reasonable cost of such services for purposes of title XVIII;".

(c) The amendments made by this section shall be effective July 1, 1972 (or earlier if the State plan so provides). Effective date.

AMOUNT OF PAYMENTS WHERE CUSTOMARY CHARGES FOR SERVICES FURNISHED ARE LESS THAN REASONABLE COST

SEC. 233. (a) Section 1814(b) of the Social Security Act is amended to read as follows: 79 Stat. 294. 42 USC 1395f.

"Amount Paid to Providers

"(b) The amount paid to any provider of services with respect to services for which payment may be made under this part shall, subject to the provisions of section 1813, be— 42 USC 1395e.

"(1) the lesser of (A) the reasonable cost of such services, as determined under section 1861(v), or (B) the customary charges with respect to such services; or 42 USC 1395x.

"(2) if such services are furnished by a public provider of services free of charge or at nominal charges to the public, the amount determined on the basis of those items (specified in regulations prescribed by the Secretary) included in the determination of such reasonable cost which the Secretary finds will provide fair compensation to such provider for such services."

(b) Section 1833(a)(2) of such Act is amended to read as follows: 79 Stat. 302. 42 USC 1395l. 42 USC 1395k.

"(2) in the case of services described in section 1832(a)(2)— 80 percent of—

"(A) the lesser of (i) the reasonable cost of such services, as determined under section 1861(v), or (ii) the customary charges with respect to such services; or

"(B) if such services are furnished by a public provider of services free of charge or at nominal charges to the public, the amount determined in accordance with section 1814(b)(2)." *Supra.*

(c) Section 1903(i) of such Act (as added by section 224(c) and amended by section 229(c) of this Act) is further amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and by adding after paragraph (2) the following new paragraph: *Ante*, pp. 1395, 1410.

"(3) with respect to any amount expended for inpatient hospital services furnished under the plan to the extent that such amount exceeds the hospital's customary charges with respect to

such services or (if such services are furnished under the plan by a public institution free of charge or at nominal charges to the public) exceeds an amount determined on the basis of those items (specified in regulations prescribed by the Secretary) included in the determination of such payment which the Secretary finds will provide fair compensation to such institution for such services."

(d) Section 506(f) of such Act (as added by section 224(d) and amended by section 229(d) of this Act) is further amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and by adding after paragraph (2) the following new paragraph:

Ante, pp. 1395, 1410.

"(3) with respect to any amount expended for inpatient hospital services furnished under the plan to the extent that such amount exceeds the hospital's customary charges with respect to such services or (if such services are furnished under the plan by a public institution free of charge or at nominal charges to the public) exceeds an amount determined on the basis of those items (specified in regulations prescribed by the Secretary) included in the determination of such payment which the Secretary finds will provide fair compensation to such institution for such services."

(e) Clause (2) of the second sentence of section 509(a) of such Act (as amended by section 221(c)(3) of this Act) is further amended by inserting "(A)" before "the reasonable cost", and by inserting after "under the project," the following: "or (B) if less, the customary charges with respect to such services provided under the project, or (C) if such services are furnished under the project by a public institution free of charge or at nominal charges to the public, an amount determined on the basis of those items (specified in regulations prescribed by the Secretary) included in the determination of such reasonable cost which the Secretary finds will provide fair compensation to such institution for such services".

Ante, p. 1389.

Effective dates.

(f) The amendments made by subsections (a) and (b) shall apply to services furnished by hospitals, extended care facilities, and home health agencies in accounting periods beginning after December 31, 1972. The amendments made by subsections (c), (d), and (e) shall apply with respect to services furnished by hospitals in accounting periods beginning after December 31, 1972.

INSTITUTIONAL PLANNING UNDER MEDICARE

SEC. 234. (a) The first sentence of section 1861(e) of the Social Security Act is amended—

Ante, p. 1383.

(1) by striking out "and" at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) has in effect an overall plan and budget that meets the requirements of subsection (z); and".

Post, p. 1413.

42 USC 1395x.

(b) Section 1861(f)(2) of such Act is amended to read as follows:

"(2) satisfies the requirements of paragraphs (3) through (9) of subsection (e);".

(c) Section 1861(g)(2) of such Act is amended to read as follows:

"(2) satisfies the requirements of paragraphs (3) through (9) of subsection (e);".

42 USC 1395x.

(d) The first sentence of section 1861(j) of such Act is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) has in effect an overall plan and budget that meets the requirements of subsection (z); and". *Infra.*

(e) Section 1861(o) of such Act is amended— 42 USC 1395x.

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) has in effect an overall plan and budget that meets the requirements of subsection (z); and".

(f) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection: 79 Stat. 313. 42 USC 1395x.

"Institutional Planning

"(z) An overall plan and budget of a hospital, extended care facility, or home health agency shall be considered sufficient if it—

"(1) provides for an annual operating budget which includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items (except that nothing in this paragraph shall require that there be prepared, in connection with any budget, an item-by-item identification of the components of each type of anticipated expenditure or income);

"(2) provides for a capital expenditures plan for at least a 3-year period (including the year to which the operating budget described in subparagraph (1) is applicable) which includes and identifies in detail the anticipated sources of financing for, and the objectives of, each anticipated expenditure in excess of $100,000 related to the acquisition of land, the improvement of land, buildings, and equipment, and the replacement, modernization, and expansion of the buildings and equipment which would, under generally accepted accounting principles, be considered capital items;

"(3) provides for review and updating at least annually; and

"(4) is prepared, under the direction of the governing body of the institution or agency, by a committee consisting of representatives of the governing body, the administrative staff, and the medical staff (if any) of the institution or agency."

(g)(1) Section 1814(a)(2)(C) and section 1814(a)(2)(D) of such Act are each amended by striking out "and (8)" and inserting in lieu thereof "and (9)". 42 USC 1395f.

(2) Section 1863 of such Act is amended by striking out "subsections (e)(8), (f)(4), (g)(4), (j)(10), and (o)(5)" and inserting in lieu thereof "subsections (e)(9), (f)(4), (g)(4), (j)(11), and (o)(6)". 42 USC 1395z.

(h) Section 1865 of such Act is amended— 42 USC 1395bb.

(1) by striking out "(except paragraph (6) thereof)" in the first sentence and inserting in lieu thereof "(except paragraphs (6) and (8) thereof)", and

(2) by striking out the second sentence and inserting in lieu thereof the following: "If such Commission, as a condition for accreditation of a hospital, (1) requires a utilization review plan as defined in section 1861(k) or imposes another requirement which serves substantially the same purpose, or (2) requires institutional plans as defined in section 1861(z) or imposes another requirement which serves substantially the same purpose, the 42 USC 1395x. *Supra.*

Secretary is authorized to find that all institutions so accredited by the Commission comply also with section 1861(e)(6) or 1861(e)(8), as the case may be."

42 USC 1395x.

Effective date.

(i) The amendments made by this section shall apply with respect to any provider of services for fiscal years (of such provider) beginning after the fifth month following the month in which this Act is enacted.

PAYMENTS TO STATES UNDER MEDICAID FOR INSTALLATION AND OPERATION OF CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEMS

42 USC 1396b.

SEC. 235. (a) Section 1903(a) of the Social Security Act is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) an amount equal to—

"(A)(i) 90 per centum of so much of the sums expended during such quarter as are attributable to the design, development, or installation of such mechanized claims processing and information retrieval systems as the Secretary determines are likely to provide more efficient, economical, and effective administration of the plan and to be compatible with the claims processing and information retrieval systems utilized in the administration of title XVIII, including the State's share of the cost of installing such a system to be used jointly in the administration of such State's plan and the plan of any other State approved under this title, and

42 USC 1395.

"(ii) 90 per centum of so much of the sums expended during any such quarter in the fiscal year ending June 30, 1972, or the fiscal year ending June 30, 1973, as are attributable to the design, development, or installation of cost determination systems for State-owned general hospitals (except that the total amount paid to all States under this clause for either such fiscal year shall not exceed $150,000), and

"(B) 75 per centum of so much of the sums expended during such quarter as are attributable to the operation of systems (whether such systems are operated directly by the State or by another person under a contract with the State) of the type described in subparagraph (A)(i) (whether or not designed, developed, or installed with assistance under such subparagraph) which are approved by the Secretary and which include provision for prompt written notice to each individual who is furnished services covered by the plan of the specific services so covered, the name of the person or persons furnishing the services, the date or dates on which the services were furnished, and the amount of the payment or payments made under the plan on account of the services; plus".

Effective date.

(b) The amendments made by subsection (a) shall apply with respect to expenditures under State plans approved under title XIX of the Social Security Act made after June 30, 1971.

42 USC 1396.

PROHIBITION AGAINST REASSIGNMENT OF CLAIMS TO BENEFITS

42 USC 1395u.

SEC. 236. (a) Section 1842(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(5) No payment under this part for a service provided to any individual shall (except as provided in section 1870) be made to anyone other than such individual or (pursuant to an assignment

42 USC 1395gg.

described in subparagraph (B)(ii) of paragraph (3)) the physician or other person who provided the service, except that payment may be made (A) to the employer of such physician or other person if such physician or other person is required as a condition of his employment to turn over his fee for such service to his employer, or (B) (where the service was provided in a hospital, clinic, or other facility) to the facility in which the service was provided if there is a contractual arrangement between such physician or other person and such facility under which such facility submits the bill for such service." *Ante*, p. 1384; *Post*, p. 1455.

(b) Section 1902(a) of such Act is amended— 42 USC 1396a.

(1) by striking out "and" at the end of paragraph (30);

(2) by striking out the period at the end of paragraph (31) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (31) the following new paragraph:

"(32) provide that no payment under the plan for any care or service provided to an individual by a physician, dentist, or other individual practitioner shall be made to anyone other than such individual or such physician, dentist, or practitioner, except that payment may be made (A) to the employer of such physician, dentist, or practitioner if such physician, dentist, or practitioner is required as a condition of his employment to turn over his fee for such care or service to his employer, or (B) (where the care or service was provided in a hospital, clinic, or other facility) to the facility in which the care or service was provided if there is a contractual arrangement between such physician, dentist, or practitioner and such facility under which such facility submits the bill for such care or service."

(c) The amendment made by subsection (a) shall apply with respect to bills submitted and requests for payments made after the date of the enactment of this Act. The amendments made by subsection (b) shall be effective January 1, 1973 (or earlier if the State plan so provides). Effective dates.

UTILIZATION REVIEW REQUIREMENTS FOR HOSPITALS AND SKILLED NURSING HOMES UNDER MEDICAID AND UNDER MATERNAL AND CHILD HEALTH PROGRAM

SEC. 237. (a)(1) Section 1903(i) of the Social Security Act (as added by section 224(c) and amended by sections 229(c) and 233(c) of this Act) is further amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and by adding after paragraph (3) the following new paragraph: *Ante*, pp. 1395, 1410, 1411.

"(4) with respect to any amount expended for care or services furnished under the plan by a hospital or skilled nursing home unless such hospital or skilled nursing home has in effect a utilization review plan which meets the requirements imposed by section 1861(k) for purposes of title XVIII; and if such hospital or skilled nursing home has in effect such a utilization review plan for purposes of title XVIII, such plan shall serve as the plan required by this subsection (with the same standards and procedures and the same review committee or group) as a condition of payment under this title; the Secretary is authorized to waive the requirements of this paragraph if the State agency demonstrates to his satisfaction that it has in operation utilization review procedures which are superior in their effectiveness to the procedures required under section 1861(k)." 42 USC 1395x, 1395.

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42 USC 1396a.

(2) Section 1902(a)(30) of such Act is amended by inserting "(including but not limited to utilization review plans as provided for in section 1903(i)(4))" after "plan" where it first appears.

(b) Section 506(f) of such Act (as added by section 224(d) and amended by sections 229(d) and 233(d) of this Act) is further amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and by adding after paragraph (3) the following new paragraph:

Ante, pp. 1395, 1410, 1412.

"(4) with respect to any amount expended for services furnished under the plan by a hospital unless such hospital has in effect a utilization review plan which meets the requirement imposed by section 1861(k) for purposes of title XVIII; and if such hospital has in effect such a utilization review plan for purposes of title XVIII, such plan shall serve as the plan required by this subsection (with the same standards and procedures and the same review committee or group) as a condition of payment under this title; the Secretary is authorized to waive the requirements of this paragraph in any State if the State agency demonstrates to his satisfaction that it has in operation utilization review procedures which are superior in their effectiveness to the procedures required under section 1861(k)."

42 USC 1395x, 1395.

42 USC 1395x.

(c) Section 1861(k) of such Act is amended by adding at the end thereof the following new sentence: "If the Secretary determines that the utilization review procedures established pursuant to title XIX are superior in their effectiveness to the procedures required under this section, he may, to the extent that he deems it appropriate, require for purposes of this title that the procedures established pursuant to title XIX be utilized instead of the procedures required by this section."

42 USC 1396.

Effective dates.

(d)(1) The amendments made by subsections (a)(1) and (b) shall apply with respect to services furnished in calendar quarters beginning after June 30, 1973.

(2) The amendment made by subsection (a)(2) shall be effective July 1, 1973.

NOTIFICATION OF UNNECESSARY ADMISSION TO A HOSPITAL OR EXTENDED CARE FACILITY UNDER MEDICARE

42 USC 1395f.

SEC. 238. (a) Section 1814(a)(7) of the Social Security Act is amended by striking out "as described in section 1861(k)(4)" and inserting in lieu thereof "as described in section 1861(k)(4), including any finding made in the course of a sample or other review of admissions to the institution".

Effective date.

(b) The amendment made by subsection (a) shall apply with respect to services furnished after the second month following the month in which this Act is enacted.

USE OF STATE HEALTH AGENCY TO PERFORM CERTAIN FUNCTIONS UNDER MEDICAID AND UNDER MATERNAL AND CHILD HEALTH PROGRAM

42 USC 1396a.

SEC. 239. (a) Section 1902(a)(9) of the Social Security Act is amended to read as follows:

"(9) provide—

"(A) that the State health agency, or other appropriate State medical agency (whichever is utilized by the Secretary for the purpose specified in the first sentence of section 1864(a)), shall be responsible for establishing and maintaining health standards for private or public institutions in which

42 USC 1395aa.

recipients of medical assistance under the plan may receive care or services, and

"(B) for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards, other than those relating to health, for such institutions;".

(b) Section 1902(a) of such Act (as amended by section 236(b) of this Act) is further amended— *Ante*, p. 1415.

(1) by striking out "and" at the end of paragraph (31);

(2) by striking out the period at the end of paragraph (32) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (32) the following new paragraph:

"(33) provide—

"(A) that the State health agency, or other appropriate State medical agency, shall be responsible for establishing a plan, consistent with regulations prescribed by the Secretary, for the review by appropriate professional health personnel of the appropriateness and quality of care and services furnished to recipients of medical assistance under the plan in order to provide guidance with respect thereto in the administration of the plan to the State agency established or designated pursuant to paragraph (5) and, where applicable, to the State agency described in the last sentence of this subsection; and

"(B) that the State or local agency utilized by the Secretary for the purpose specified in the first sentence of section 1864(a), or, if such agency is not the State agency which is responsible for licensing health institutions, the State agency responsible for such licensing, will perform for the State agency administering or supervising the administration of the plan approved under this title the function of determining whether institutions and agencies meet the requirements for participation in the program under such plan." 42 USC 1395aa.

(c) Section 505(a) of such Act is amended— 81 Stat. 923. 42 USC 705.

(1) by striking out "and" at the end of paragraph (13);

(2) by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (14) the following new paragraph:

"(15) provides—

"(A) that the State health agency, or other appropriate State medical agency, shall be responsible for establishing a plan, consistent with regulations prescribed by the Secretary, for the review by appropriate professional health personnel of the appropriateness and quality of care and services furnished to recipients of services under the plan and, where applicable, for providing guidance with respect thereto to the other State agency referred to in paragraph (2); and

"(B) that the State or local agency utilized by the Secretary for the purpose specified in the first sentence of section 1864(a), or, if such agency is not the State agency which is responsible for licensing health institutions, the State agency responsible for such licensing, will perform the function of determining whether institutions and agencies meet the requirements for participation in the program under the plan under this title." 42 USC 1395aa.

Effective date.

(d) The amendments made by this section shall be effective January 1, 1973 (or earlier if the State plan so provides).

RELATIONSHIP BETWEEN MEDICAID AND COMPREHENSIVE HEALTH CARE PROGRAMS

81 Stat. 903.
42 USC 1396a.

SEC. 240. Section 1902(a)(23) of the Social Security Act is amended by adding after the semicolon at the end thereof the following: "and a State plan shall not be deemed to be out of compliance with the requirements of this paragraph or paragraph (1) or (10) solely by reason of the fact that the State (or any political subdivision thereof) has entered into a contract with an organization which has agreed to provide care and services in addition to those offered under the State plan to individuals eligible for medical assistance who reside in the geographic area served by such organization and who elect to obtain such care and services from such organization;".

PROGRAM FOR DETERMINING QUALIFICATIONS FOR CERTAIN HEALTH CARE PERSONNEL

Ante, p. 1386.

SEC. 241. Title XI of the Social Security Act is amended by adding after section 1122 (as added by section 221(a) of this Act) the following new section:

"PROGRAM FOR DETERMINING QUALIFICATIONS FOR CERTAIN HEALTH CARE PERSONNEL

42 USC 1395.

"SEC. 1123. (a) The Secretary, in carrying out his functions relating to the qualifications for health care personnel under title XVIII, shall develop (in consultation with appropriate professional health organizations and State health and licensure agencies) and conduct (in conjunction with State health and licensure agencies) until December 31, 1977, a program designed to determine the proficiency of individuals (who do not otherwise meet the formal educational, professional membership, or other specific criteria established for determining the qualifications of practical nurses, therapists, laboratory technicians, and technologists, and cytotechnologists, X-ray technicians, psychiatric technicians, or other health care technicians and technologists) to perform the duties and functions of practical nurses, therapists, laboratory technicians, technologists, and cytotechnologists, X-ray technicians, psychiatric technicians, or other health care technicians and technologists. Such program shall include (but not be limited to) the employment of procedures for the formal testing of the proficiency of individuals. In the conduct of such program, no individual who otherwise meets the proficiency requirements for any health care specialty shall be denied a satisfactory proficiency rating solely because of his failure to meet formal educational or professional membership requirements.

"(b) If any individual has been determined, under the program established pursuant to subsection (a), to be qualified to perform the duties and functions of any health care specialty, no person or provider utilizing the services of such individual to perform such duties and functions shall be denied payment, under title XVIII or under any State plan approved under title XIX, for any health care services provided by such person on the grounds that such individual is not qualified to perform such duties and functions."

42 USC 1396.

PENALTIES FOR FRAUDULENT ACTS AND FALSE REPORTING UNDER MEDICARE AND MEDICAID

SEC. 242. (a) Section 1872 of the Social Security Act is amended by striking out "208,". 42 USC 1395ii.

(b) Title XVIII of the Social Security Act is amended by adding at the end thereof (after the new section added by section 226(a) of this Act) the following new section: *Ante*, p. 1396.

"PENALTIES

"SEC. 1877. (a) Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit or payment,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other individual in whose behalf he has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized, or

"(4) having made application to receive any such benefit or payment for the use and benefit of another and having received it, knowingly and willfully converts such benefit or payment or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(b) Whoever furnishes items or services to an individual for which payment is or may be made under this title and who solicits, offers, or receives any—

"(1) kickback or bribe in connection with the furnishing of such items or services or the making or receipt of such payment, or

"(2) rebate of any fee or charge for referring any such individual to another person for the furnishing of such items or services,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(c) Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that such institution or facility may qualify (either upon initial certification or upon recertification) as a hospital, skilled nursing facility, or home health agency (as those terms are defined in section 1861), shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $2,000 or imprisoned for not more than 6 months, or both." 42 USC 1395x.

(c) Title XIX of such Act is amended by adding after section 1908 the following new section: 42 USC 1396.

"PENALTIES

"SEC. 1909. (a) Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under a State plan approved under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to such benefit or payment,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other individual in whose behalf he has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized, or

"(4) having made application to receive any such benefit or payment for the use and benefit of another and having received it, knowingly and willfully converts such benefit or payment or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(b) Whoever furnishes items or services to an individual for which payment is or may be made in whole or in part out of Federal funds under a State plan approved under this title and who solicits, offers, or receives any—

"(1) kickback or bribe in connection with the furnishing of such items or services or the making or receipt of such payment, or

"(2) rebate of any fee or charge for referring any such individual to another person for the furnishing of such items or services

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(c) Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that such institution or facility may qualify (either upon initial certification or upon recertification) as a hospital, skilled nursing home, intermediate care facility, or home health agency (as those terms are employed in this title) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $2,000 or imprisoned for not more than 6 months, or both."

(d) The provisions of amendments made by this section shall not be applicable to any acts, statements, or representations made or committed prior to the enactment of this Act.

PROVIDER REIMBURSEMENT REVIEW BOARD

SEC. 243. (a) Title XVIII of the Social Security Act is amended by adding at the end thereof (after the new sections added by section 226(a) and section 242(b) of this Act) the following new section:

Ante, p. 1419.

"PROVIDER REIMBURSEMENT REVIEW BOARD

"SEC. 1878. (a) Any provider of services which has filed a required cost report within the time specified in regulations may obtain a hearing with respect to such cost report by a Provider Reimbursement Review Board (hereinafter referred to as the 'Board') which shall be established by the Secretary in accordance with subsection (h), if— Establishment. Conditions.

"(1) such provider—

"(A) is dissatisfied with a final determination of the organization serving as its fiscal intermediary pursuant to section 1816 as to the amount of total program reimbursement due the provider for the items and services furnished to individuals for which payment may be made under this title for the period covered by such report, 42 USC 1395h.

"(B) has not received such final determination from such intermediary on a timely basis after filing such report, where such report complied with the rules and regulations of the Secretary relating to such report, or

"(C) has not received such final determination on a timely basis after filing a supplementary cost report, where such cost report did not so comply and such supplementary cost report did so comply,

"(2) the amount in controversy is $10,000 or more, and

"(3) such provider files a request for a hearing within 180 days after notice of the intermediary's final determination under paragraph (1)(A) or with respect to appeals pursuant to paragraph (1) (B) or (C), within 180 days after notice of such determination would have been received if such determination had been made on a timely basis.

"(b) The provisions of subsection (a) shall apply to any group of providers of services if each provider of services in such group would, upon the filing of an appeal (but without regard to the $10,000 limitation), be entitled to such a hearing, but only if the matters in controversy involve a common question of fact or interpretation of law or regulations and the amount in controversy is, in the aggregate, $50,000 or more. Group appeal.

"(c) At such hearing, the provider of services shall have the right to be represented by counsel, to introduce evidence, and to examine and cross-examine witnesses. Evidence may be received at any such hearing even though inadmissable under rules of evidence applicable to court procedure.

"(d) A decision by the Board shall be based upon the record made at such hearing, which shall include the evidence considered by the intermediary and such other evidence as may be obtained or received by the Board, and shall be supported by substantial evidence when the record is viewed as a whole. The Board shall have the power to affirm, modify, or reverse a final determination of the fiscal intermediary with respect to a cost report and to make any other revisions on matters covered by such cost report (including revisions adverse to the provider of services) even though such matters were not considered by the intermediary in making such final determination.

"(e) The Board shall have full power and authority to make rules and establish procedures, not inconsistent with the provisions of this title or regulations of the Secretary, which are necessary or appropriate to carry out the provisions of this section. In the course of any hearing the Board may administer oaths and affirmations. The provisions of subsections (d), (e), and (f) of section 205 with respect to subpenas Rules and regulations. 42 USC 405.

shall apply to the Board to the same extent as they apply to the Secretary with respect to title II.

42 USC 401.
Board decision, reviewability.

"(f) A decision of the Board shall be final unless the Secretary, on his own motion, and within 60 days after the provider of services is notified of the Board's decision, reverses or modifies (adversely to such provider) the Board's decision. In any case where such a reversal or modification occurs the provider of services may obtain a review of such decision by a civil action commenced within 60 days of the date he is notified of the Secretary's reversal or modification. Such action shall be brought in the district court of the United States for the judicial district in which the provider is located or in the District Court for the District of Columbia and shall be tried pursuant to the applicable provisions under chapter 7 of title 5, United States Code, notwithstanding any other provisions in section 205.

5 USC 701.
42 USC 405.

"(g) The finding of a fiscal intermediary that no payment may be made under this title for any expenses incurred for items or services furnished to an individual because such items or services are listed in section 1862 shall not be reviewed by the Board, or by any court pursuant to an action brought under subsection (f).

42 USC 1395y.

Membership.

"(h) The Board shall be composed of five members appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive services. Two of such members shall be representative of providers of services. All of the members of the Board shall be persons knowledgeable in the field of cost reimbursement, and at least one of them shall be a certified public accountant. Members of the Board shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate specified (at the time the service involved is rendered by such members) for grade GS–18 in section 5332 of title 5, United States Code. The term of office shall be three years, except that the Secretary shall appoint the initial members of the Board for shorter terms to the extent necessary to permit staggered terms of office.

5 USC 101 *et seq.*

Compensation.

5 USC 5332 note.

Technical and clerical assistance.

"(i) The Board is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Board such secretarial, clerical, and other assistance as the Board may require to carry out its functions."

42 USC 1395h.

(b) The first sentence of section 1816(a) of such Act is amended by striking out "subject to" in the parenthetical phrase and inserting in lieu thereof "subject to the provisions of section 1878 and to".

Effective date.

(c) The amendments made by this section shall apply with respect to cost reports of providers of services, as defined in title XVIII of the Social Security Act, for accounting periods ending on or after June 30, 1973.

42 USC 1395.

VALIDATION OF SURVEYS MADE BY JOINT COMMISSION ON THE ACCREDITATION OF HOSPITALS

79 Stat. 326.
42 USC 1395aa.

SEC. 244. (a) Section 1864 of the Social Security Act is amended by inserting at the end thereof the following new subsection:

"(c) The Secretary is authorized to enter into an agreement with any State under which the appropriate State or local agency which performs the certification function described in subsection (a) will survey, on a selective sample basis (or where the Secretary finds that a survey is appropriate because of substantial allegations of the existence of a significant deficiency or deficiencies which would, if found to be present, adversely affect health and safety of patients), hospitals which have an agreement with the Secretary under section 1866 and which are accredited by the Joint Commission on the Accreditation of

42 USC 1395cc.

Hospitals. The Secretary shall pay for such services in the manner prescribed in subsection (b)."

(b) (1) Section 1865 of such Act, as amended by section 234 of this Act, is further amended by striking out "SEC. 1865" and the first two sentences of such section and inserting in lieu thereof the following:

Ante, p. 1413.

"SEC. 1865. (a) Except as provided in subsection (b) and the second sentence of section 1863, if—

42 USC 1395z.

"(1) an institution is accredited as a hospital by the Joint Commission on Accreditation of Hospitals, and

"(2) such institution (if it is included within a survey described in section 1864(c)) authorizes the Commission to release to the Secretary (on a confidential basis) upon his request (or such State agency as the Secretary may designate) a copy of the most current accreditation survey of such institution made by such Commission,

Ante, p. 1422.

then, such institution shall be deemed to meet the requirements of the numbered paragraphs of section 1861(e); except—

42 USC 1395x.

"(3) paragraph (6) thereof, and

"(4) any standard, promulgated by the Secretary pursuant to paragraph (9) thereof, which is higher than the requirements prescribed for accreditation by such Commission.

If such Commission, as a condition for accreditation of a hospital, requires a utilization review plan (or imposes another requirement which serves substantially the same purpose) or imposes a standard which the Secretary determines is at least equivalent to the standard promulgated by the Secretary as described in paragraph (4) of this subsection, the Secretary is authorized to find that all institutions so accredited by such Commission comply also with section 1861(e)(6) or the standard described in such paragraph (4), as the case may be."

(2) Such section 1865 (as so amended) is further amended by adding after subsection (a) thereof the following:

"(b) Notwithstanding any other provision of this title, if the Secretary finds following a survey made pursuant to section 1864(c) that an institution has significant deficiencies (as defined in regulations pertaining to health and safety), such institution shall, after the date of notice of such finding to the hospital and for such period as may be prescribed in regulations, be deemed not to meet the requirements of the numbered paragraphs of section 1861(e)."

Ante, p. 1422.

(c) Section 1861(e) of such Act, as amended by sections 211 and 234 of this Act, is further amended by striking out, in subsection (9), everything after the word "institution" and inserting in lieu thereof a period.

Ante, pp. 1383, 1412.

(d) Section 1875(b) of such Act, as amended by sections 222 and 226 of this Act, is further amended by inserting, after "including" and before "the operation", the following: "a validation of the accreditation process of the Joint Commission on the Accreditation of Hospitals,".

Ante, pp. 1393, 1404.

PAYMENT FOR DURABLE MEDICAL EQUIPMENT UNDER MEDICARE

SEC. 245. (a) The Secretary is authorized to conduct reimbursement experiments designed to eliminate unreasonable expenses resulting from prolonged rentals of durable medical equipment described in section 1861(s)(6) of the Social Security Act.

42 USC 1395x.

(b) Such experiment may be conducted in one or more geographic areas, as the Secretary deems appropriate, and may, pursuant to agreements with suppliers, provide for reimbursement for such equipment on a lump-sum basis whenever it is determined (in accordance

with guidelines established by the Secretary) that a lump-sum payment would be more economical than the anticipated period of rental payments. Such experiments may also provide for incentives to beneficiaries (including waiver of the 20 percent coinsurance amount applicable under section 1833 of the Social Security Act) to purchase used equipment whenever the purchase price is at least 25 percent less than the reasonable charge for new equipment.

79 Stat. 302.
42 USC 1395*l*.

(c) The Secretary is authorized, at such time as he deems appropriate, to implement on a nationwide basis any such reimbursement procedures which he finds to be workable, desirable and economical and which are consistent with the purposes of this section.

81 Stat. 850.

(d) Section 1833(f) of the Social Security Act is amended—

(1) by striking out "with respect to purchases of inexpensive equipment (as determined by the Secretary)" and inserting in lieu thereof "(A)", and

(2) by inserting before the period at the end thereof the following: ", and (B) with respect to purchases of used equipment the Secretary is authorized to waive the 20 percent coinsurance amount applicable under subsection (a) whenever the purchase price of such equipment is at least 25 percent less than the reasonable charge for comparable new equipment."

(3) by inserting "(1)" after "(f)" and by adding after paragraph (1) the following new paragraph:

"(2) In the case of rental of durable medical equipment, the Secretary may, pursuant to agreements made with suppliers of such equipment, establish any reimbursement procedures (including payment on a lump-sum basis in lieu of prolonged rental payments) which he finds to be equitable, economical, and feasible."

UNIFORM STANDARDS FOR SKILLED NURSING FACILITIES UNDER MEDICARE AND MEDICAID

42 USC 1396a.

SEC. 246. (a) Section 1902(a)(28) of the Social Security Act is amended to read as follows:

"(28) provide that any skilled nursing facility receiving payments under such plan must satisfy all of the requirements contained in section 1861(j), except that the exclusion contained therein with respect to institutions which are primarily for the care and treatment of mental diseases and tuberculosis shall not apply for purposes of this title;"

Ante, p. 1412.

(b) Section 1861(j) of such Act, as amended by section 234(d) of this Act, is further amended—

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

(2) by redesignating paragraph (11) as paragraph (15);

(3) by inserting after paragraph (10) the following new paragraphs:

"(11) supplies full and complete information to the Secretary or his delegate as to the identity (A) of each person who has any direct or indirect ownership interest of 10 per centum or more in such skilled nursing facility or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such skilled nursing facility or any of the property or assets of such skilled nursing facility, (B) in case a skilled nursing facility is organized as a corporation, of each officer and director of the corporation, and (C) in case a skilled nursing facility is organized as a partnership, of each partner; and promptly reports any changes which would affect the current accuracy of the information so required to be supplied;

"(12) cooperates in an effective program which provides for a regular program of independent medical evaluation and audit of the patients in the facility to the extent required by the programs in which the facility participates (including medical evaluation of each patient's need for skilled nursing facility care);

"(13) meets such provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as are applicable to nursing homes; except that the Secretary may waive, for such periods as he deems appropriate, specific provisions of such Code which if rigidly applied would result in unreasonable hardship upon a nursing home, but only if such waiver will not adversely affect the health and safety of the patients; except that the provisions of such Code shall not apply in any State if the Secretary finds that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in nursing facilities; and" and

(4) by adding at the end of paragraph (15) (as redesignated by paragraph (2) of this subsection) the following new sentence: "Notwithstanding any other provision of law, all information concerning skilled nursing facilities required by this subsection to be filed with the Secretary shall be made available to Federal or State employees for purposes consistent with the effective administration of programs established under titles XVIII and XIX of this Act."

42 USC 1395, 1396.

(c) The amendments made by this section shall be effective July 1, 1973.

Effective date.

LEVEL OF CARE REQUIREMENTS FOR SKILLED NURSING HOME SERVICES

SEC. 247. (a) Section 1814(a)(2)(C) of the Social Security Act is amended by striking out everything which appears before "(or services" and inserting in lieu thereof the following:

42 USC 1395f.

"(C) in the case of post hospital extended care services, such services are or were required to be given because the individual needs or needed on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis, for any of the conditions with respect to which he was receiving inpatient hospital services".

(b) Section 1905 of the Social Security Act, as amended by section 212 of this Act, is further amended by adding at the end thereof the following new subsection:

Ante, p. 1384.

"(f) For purposes of this title, the term 'skilled nursing facility services' means services which are or were required to be given an individual who needs or needed on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis."

"Skilled nursing facility services."

(c) The amendments made by this section shall be effective with respect to services furnished after December 31, 1972.

Effective date.

MODIFICATION OF MEDICARE'S 14-DAY TRANSFER REQUIREMENT FOR EXTENDED CARE BENEFITS

SEC. 248. Section 1861(i) of the Social Security Act is amended by striking out "within 14 days after discharge from such hospital;" and inserting in lieu thereof the following: "(A) within 14 days

42 USC 1395x.

after discharge from such hospital, or (B) within 28 days after such discharge, in the case of an individual who was unable to be admitted to a skilled nursing facility within such 14 days because of a shortage of appropriate bed space in the geographic area in which he resides, or (C) within such time as it would be medically appropriate to begin an active course of treatment, in the case of an individual whose condition is such that skilled nursing facility care would not be medically appropriate within 14 days after discharge from a hospital;"

REIMBURSEMENT RATES FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITIES

SEC. 249. (a) Section 1902(a)(13) of the Social Security Act, as amended by section 221(c)(5) of this Act, is further amended—

Ante, p. 1410.

(1) by inserting "and" at the end of subparagraph (D), and

(2) by inserting after subparagraph (D) the following new paragraph:

"(E) effective July 1, 1976, for payment of the skilled nursing facility and intermediate care facility services provided under the plan on a reasonable cost related basis, as determined in accordance with methods and standards which shall be developed by the State on the basis of cost-finding methods approved and verified by the Secretary;".

(b) Section 1861(v)(1) of such Act, as amended by sections 223 and 227 of this Act, is further amended by inserting after subparagraph (D) the following new subparagraph:

Ante, p. 1405.

"(E) Such regulations may, in the case of skilled nursing facilities in any State, provide for the uses of rates, developed by the State in which such facilities are located, for the payment of the cost of skilled nursing facility services furnished under the State's plan approved under title XIX (and such rates may be increased by the Secretary on a class or size of institution or on a geographical basis by a percentage factor not in excess of 10 percent to take into account determinable items or services or other requirements under this title not otherwise included in the computation of such State rates), if the Secretary finds that such rates are reasonably related to (but not necessarily limited to) analyses undertaken by such State of costs of care in comparable facilities in such State; except that the foregoing provisions of this subparagraph shall not apply to any skilled nursing facility in such State if—

42 USC 1396.

"(i) such facility is a distinct part of or directly operated by a hospital, or

"(ii) such facility operates in a close, formal satellite relationship (as defined in regulations of the Secretary) with a participating hospital or hospitals.

Notwithstanding the previous provisions of this paragraph in the case of a facility specified in clause (ii) of this subparagraph, the reasonable cost of any services furnished by such facility as determined by the Secretary under this subsection shall not exceed 150 percent of the costs determined by the application of this subparagraph (without regard to such clause (ii)).".

MEDICAID CERTIFICATION AND APPROVAL OF SKILLED NURSING FACILITIES

SEC. 249A. (a) Title XIX of the Social Security Act is amended by adding at the end thereof (after the new section 1909 added by this Act) the following new section:

Ante, p. 1420.

"CERTIFICATION AND APPROVAL OF SKILLED NURSING FACILITIES

"SEC. 1910. (a) Whenever the Secretary certifies an institution in a State to be qualified as a skilled nursing facility under title XVIII, such institution shall be deemed to meet the standards for certification as a skilled nursing facility for purposes of section 1902(a)(28). 42 USC 1395. *Ante*, p. 1424.

"(b) The Secretary shall notify the State agency administering the medical assistance plan of his approval or disapproval of any institution which has applied for certification by him as a qualified skilled nursing facility." Notification.

(b) Section 1866(a)(1) of the Social Security Act is amended by adding at the end thereof the following sentence: "An agreement under this paragraph with an extended care facility shall be for a term of not exceeding 12 months, except that the Secretary may extend such term for a period not exceeding 2 months, where the health and safety of patients will not be jeopardized thereby, if he finds that such extension is necessary to prevent irreparable harm to such facility or hardship to the individuals being furnished items or services by such facility or if he finds it impracticable within such 12-month period to determine whether such facility is complying with the provisions of this title and regulations thereunder." 42 USC 1395cc.

(c) Section 1866(b) of such Act is amended by—

(1) striking out, in the material which precedes clause (1), "terminated-" and inserting in lieu thereof "terminated (and in the case of an extended care facility, prior to the end of the term specified in subsection (a)(1))-"; and

(2) by striking out all of clause (3) appearing after the phrase "Any termination shall be applicable—" and inserting in lieu thereof the following:

"(3) in the case of inpatient hospital services (including tuberculosis hospital services and inpatient psychiatric hospital services) or post-hospital extended care services, with respect to services furnished after the effective date of such termination, except that payment may be made for up to thirty days with respect to inpatient institutional services furnished to any eligible individual who was admitted to such institution prior to the effective date of such termination,".

(d) Section 1866(c) of such Act is amended by inserting "(1)" after "(c)" and by adding at the end thereof the following new paragraph:

"(2) In the case of a skilled nursing facility participating in the programs established by this title and title XIX, the Secretary may enter into an agreement under this section only if such facility has been approved pursuant to section 1910, and the term of any such agreement shall be in accordance with the period of approval of eligibility specified by the Secretary pursuant to such section." 42 USC 1395, 1396.

(e) The provisions of this section shall be effective with respect to agreements filed with the Secretary under section 1866 of the Social Security Act by skilled nursing facilities (as defined in section 1861(j) of such Act) before, on, or after the date of enactment of this Act, but accepted by him on or after such date. Effective date. 42 USC 1395x.

(f) Notwithstanding any other provision of law, any agreement, filed by a skilled nursing facility (as defined in section 1861(j) of the Social Security Act) with the Secretary under section 1866 of such Act and accepted by him prior to the date of enactment of this Act, which was in effect on such date shall be deemed to be for a specified term ending on December 31, 1973. Termination date.

PAYMENTS TO STATES UNDER MEDICAID FOR COMPENSATION OF INSPECTORS RESPONSIBLE FOR MAINTAINING COMPLIANCE WITH FEDERAL STANDARDS

SEC. 249B. Section 1903(a) of the Social Security Act, as amended by sections 207(a)(2) and 235(a) of this Act, is further amended, effective for the period beginning October 1, 1972, and ending June 30, 1974, by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

Ante, pp. 1380, 1414.

Effective period.

"(4) an amount equal to 100 per centum of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) which are attributable to compensation or training of personnel (of the State agency or any other public agency) responsible for inspecting public or private institutions (or portions thereof) providing long-term care to recipients of medical assistance to determine whether such institutions comply with health or safety standards applicable to such institutions under this Act; plus".

DISCLOSURE OF INFORMATION CONCERNING THE PERFORMANCE OF CARRIERS, INTERMEDIARIES, STATE AGENCIES, AND PROVIDERS OF SERVICES UNDER MEDICARE AND MEDICAID

42 USC 1306.

SEC. 249C. (a) Section 1106 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(d) Notwithstanding any other provision of this section the Secretary shall make available to each State agency operating a program under title XIX and shall, subject to the limitations contained in subsection (e), make available for public inspection in readily accessible form and fashion, the following official reports (not including, however, references to any internal tolerance rules and practices that may be contained therein, internal working papers or other informal memoranda) dealing with the operation of the health programs established by titles XVIII and XIX—

42 USC 1396.

42 USC 1395, 1396.

"(1) individual contractor performance reviews and other formal evaluations of the performance of carriers, intermediaries, and State agencies, including the reports of follow-up reviews;

"(2) comparative evaluations of the performance of such contractors, including comparisons of either overall performance or of any particular aspect of contractor operation; and

"(3) program validation survey reports and other formal evaluations of the performance of providers of services, including the reports of follow-up reviews, except that such reports shall not identify individual patients, individual health care practitioners, or other individuals.

Contractor, report review.

"(e) No report described in subsection (d) shall be made public by the Secretary or the State title XIX agency until the contractor or provider of services whose performance is being evaluated has had a reasonable opportunity (not exceeding 60 days) to review such report and to offer comments pertinent parts of which may be incorporated in the public report; nor shall the Secretary be required to include in any such report information with respect to any deficiency (or improper practice or procedures) which is known by the Secretary to have been fully corrected, within 60 days of the date such deficiency was first brought to the attention of such contractor or provider of services, as the case may be."

Effective date.

(b) The provisions of subsection (a) shall apply with respect to reports which are completed by the Secretary after the third calendar month following the enactment of this Act.

LIMITATION ON INSTITUTIONAL CARE

SEC. 249D. Section 121(b) of the Social Security Amendments of 1965 is amended by adding at the end thereof the following new sentence: "After the date of enactment of the Social Security Amendments of 1972, Federal matching shall not be available for any portion of any payment by any State under title I, X, XIV, or XVI, or part A of title IV, of the Social Security Act for or on account of any medical or any other type of remedial care provided by an institution to any individual as an inpatient thereof, in the case of any State which has a plan approved under title XIX of such Act, if such care is (or could be) provided under a State plan approved under title XIX of such Act by an institution certified under such title XIX.". 79 Stat. 352. 42 USC 1396b note. 42 USC 301, 1201, 1351, 1381, 601. 42 USC 1396.

DETERMINING ELIGIBILITY FOR ASSISTANCE UNDER TITLE XIX FOR CERTAIN INDIVIDUALS

SEC. 249E. For purposes of section 1902(a)(10) of the Social Security Act 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 of such Act and who for such month was entitled to monthly insurance benefits under title II of such Act shall be deemed to be eligible for such aid or assistance for any month thereafter prior to October 1974 if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under title II of such Act resulting from enactment of Public Law 92-336 not been applicable to such individual. 42 USC 1396a. 42 USC 401. *Ante*, p. 406.

PROFESSIONAL STANDARDS REVIEW

SEC. 249F. (a) The heading to title XI of the Social Security Act is amended by striking out 42 USC 1301.

"TITLE XI—GENERAL PROVISIONS"

and inserting in lieu thereof

"TITLE XI—GENERAL PROVISIONS AND PROFESSIONAL STANDARDS REVIEW

"PART A—GENERAL PROVISIONS"

(b) Title XI of such Act is further amended by adding the following: *Ante*, p. 945.

"PART B—PROFESSIONAL STANDARDS REVIEW

"DECLARATION OF PURPOSE

"SEC. 1151. In order to promote the effective, efficient, and economical delivery of health care services of proper quality for which payment may be made (in whole or in part) under this Act and in recognition of the interests of patients, the public, practitioners, and providers in improved health care services, it is the purpose of this part to assure, through the application of suitable procedures of professional standards review, that the services for which payment may be made under the Social Security Act will conform to appropriate professional standards for the provision of health care and that payment for such services will be made—

"(1) only when, and to the extent, medically necessary, as determined in the exercise of reasonable limits of professional discretion; and

"(2) in the case of services provided by a hospital or other health care facility on an inpatient basis, only when and for such period as such services cannot, consistent with professionally recognized health care standards, effectively be provided on an outpatient basis or more economically in an inpatient health care facility of a different type, as determined in the exercise of reasonable limits of professional discretion.

"DESIGNATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1152. (a) The Secretary shall (1) not later than January 1, 1974, establish throughout the United States appropriate areas with respect to which Professional Standards Review Organizations may be designated, and (2) at the earliest practicable date after designation of an area enter into an agreement with a qualified organization whereby such an organization shall be conditionally designated as the Professional Standards Review Organization for such area. If, on the basis of its performance during such period of conditional designation, the Secretary determines that such organization is capable of fulfilling, in a satisfactory manner, the obligations and requirements for a Professional Standards Review Organization under this part, he shall enter into an agreement with such organization designating it as the Professional Standards Review Organization for such area.

"Qualified organization."

"(b) For purposes of subsection (a), the term 'qualified organization' means—

"(1) when used in connection with any area—

"(A) an organization (i) which is a nonprofit professional association (or a component organization thereof), (ii) which is composed of licensed doctors of medicine or osteopathy engaged in the practice of medicine or surgery in such area, (iii) the membership of which includes a substantial proportion of all such physicians in such area, (iv) which is organized in a manner which makes available professional competence to review health care services of the types and kinds with respect to which Professional Standards Review Organizations have review responsibilities under this part, (v) the membership of which is voluntary and open to all doctors of medicine or osteopathy licensed to engage in the practice of medicine or surgery in such area without requirement of membership in or payment of dues to any organized medical society or association, and (vi) which does not restrict the eligibility of any member for service as an officer of the Professional Standards Review Organization or eligibility for and assignment to duties of such Professional Standards Review Organization, or, subject to subsection (c)(i),

"(B) such other public, nonprofit private, or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations, to be of professional competence and otherwise suitable; and

"(2) an organization which the Secretary, on the basis of his examination and evaluation of a formal plan submitted to him by the association, agency, or organization (as well as on the basis of other relevant data and information), finds to be willing to perform and capable of performing, in an effective, timely, and objective manner and at reasonable cost, the duties, functions, and

activities of a Professional Standards Review Organization required by or pursuant to this part.

"(c) (1) The Secretary shall not enter into any agreement under this part under which there is designated as the Professional Standards Review Organization for any area any organization other than an organization referred to in subsection (b) (1) (A) prior to January 1, 1976, nor after such date, unless, in such area, there is no organization referred to in subsection (b) (1) (A) which meets the conditions specified in subsection (b) (2).

"(2) Whenever the Secretary shall have entered into an agreement under this part under which there is designated as the Professional Standards Review Organization for any area any organization other than an organization referred to in subsection (b) (1) (A), he shall not renew such agreements with such organization if he determines that—

"(A) there is in such area an organization referred to in subsection (b) (1) (A) which (i) has not been previously designated as a Professional Standards Review Organization, and (ii) is willing to enter into an agreement under this part under which such organization would be designated as the Professional Standards Review Organization for such area;

"(B) such organization meets the conditions specified in subsection (b) (2); and

"(C) the designation of such organization as the Professional Standards Review Organization for such area is anticipated to result in substantial improvement in the performance in such area of the duties and functions required of such organizations under this part.

Agreement expiration; prior termination.

"(d) Any such agreement under this part with an organization (other than an agreement established pursuant to section 1154) shall be for a term of 12 months; except that, prior to the expiration of such term such agreement may be terminated—

Post, p. 1432.

"(1) by the organization at such time and upon such notice to the Secretary as may be prescribed in regulations (except that notice of more than 3 months may not be required); or

"(2) by the Secretary at such time and upon such reasonable notice to the organization as may be prescribed in regulations, but only after the Secretary has determined (after providing such organization with an opportunity for a formal hearing on the matter) that such organization is not substantially complying with or effectively carrying out the provisions of such agreement.

Waiver.

"(e) In order to avoid duplication of functions and unnecessary review and control activities, the Secretary is authorized to waive any or all of the review, certification, or similar activities otherwise required under or pursuant to any provision of this Act (other than this part) where he finds, on the basis of substantial evidence of the effective performance of review and control activities by Professional Standards Review Organizations, that the review, certification, and similar activities otherwise so required are not needed for the provision of adequate review and control.

Agreement notice.

"(f) (1) In the case of agreements entered into prior to January 1, 1976, under this part under which any organization is designated as the Professional Standards Review Organization for any area, the Secretary shall, prior to entering into any such agreement with any organization for any area, inform (under regulations of the Secretary) the doctors of medicine or osteopathy who are in active practice in such area of the Secretary's intention to enter into such an agreement with such organization.

"(2) If, within a reasonable period of time following the serving of such notice, more than 10 per centum of such doctors object to the Secretary's entering into such an agreement with such organization on the ground that such organization is not representative of doctors in such area, the Secretary shall conduct a poll of such doctors to determine whether or not such organization is representative of such doctors in such area. If more than 50 per centum of the doctors responding to such poll indicate that such organization is not representative of such doctors in such area the Secretary shall not enter into such an agreement with such organization.

"REVIEW PENDING DESIGNATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATION

"SEC. 1153. Pending the assumption by a Professional Standards Review Organization for any area, of full review responsibility, and pending a demonstration of capacity for improved review effort with respect to matters involving the provision of health care services in such area for which payment (in whole or in part) may be made, under this Act, any review with respect to such services which has not been designated by the Secretary as the full responsibility of such organization, shall be reviewed in the manner otherwise provided for under law.

"TRIAL PERIOD FOR PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1154. (a) The Secretary shall initially designate an organization as a Professional Standards Review Organization for any area on a conditional basis with a view to determining the capacity of such organization to perform the duties and functions imposed under this part on Professional Standards Review Organizations. Such designation may not be made prior to receipt from such organization and approval by the Secretary of a formal plan for the orderly assumption and implementation of the responsibilities of the Professional Standards Review Organization under this part.

Plan, approval.

"(b) During any such trial period (which may not exceed 24 months), the Secretary may require a Professional Standards Review Organization to perform only such of the duties and functions required under this part of Professional Standards Review Organization as he determines such organization to be capable of performing. The number and type of such duties shall, during the trial period, be progressively increased as the organization becomes capable of added responsibility so that, by the end of such period, such organization shall be considered a qualified organization only if the Secretary finds that it is substantially carrying out in a satisfactory manner, the activities and functions required of Professional Standards Review Organizations under this part with respect to the review of health care services provided or ordered by physicians and other practitioners and institutional and other health care facilities, agencies, and organizations. Any of such duties and functions not performed by such organization during such period shall be performed in the manner and to the extent otherwise provided for under law.

Duties.

"(c) Any agreement under which any organization is conditionally designated as the Professional Standards Review Organization for any area may be terminated by such organization upon 90 days notice to the Secretary or by the Secretary upon 90 days notice to such organization.

Termination, notice.

"DUTIES AND FUNCTIONS OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1155. (a) (1) Notwithstanding any other provision of law, but consistent with the provisions of this part, it shall (subject to the provisions of subsection (g)) be the duty and function of each Professional Standards Review Organization for any area to assume, at the earliest date practicable, responsibility for the review of the professional activities in such area of physicians and other health care practitioners and institutional and noninstitutional providers of health care services in the provision of health care services and items for which payment may be made (in whole or in part) under this Act for the purpose of determining whether—

"(A) such services and items are or were medically necessary;

"(B) the quality of such services meets professionally recognized standards of health care; and

"(C) in case such services and items are proposed to be provided in a hospital or other health care facility on an inpatient basis, such services and items could, consistent with the provision of appropriate medical care, be effectively provided on an outpatient basis or more economically in an inpatient health care facility of a different type.

"(2) Each Professional Standards Review Organization shall have the authority to determine, in advance, in the case of—

"(A) any elective admission to a hospital, or other health care facility, or

"(B) any other health care service which will consist of extended or costly courses of treatment,

whether such service, if provided, or if provided by a particular health care practitioner or by a particular hospital or other health care facility, organization, or agency, would meet the criteria specified in clauses (A) and (C) of paragraph (1).

Case criteria, publication.

"(3) Each Professional Standards Review Organization shall, in accordance with regulations of the Secretary, determine and publish, from time to time, the types and kinds of cases (whether by type of health care or diagnosis involved, or whether in terms of other relevant criteria relating to the provision of health care services) with respect to which such organization will, in order most effectively to carry out the purposes of this part, exercise the authority conferred upon it under paragraph (2).

Patient profiles, maintenance and review.

"(4) Each Professional Standards Review Organization shall be responsible for the arranging for the maintenance of and the regular review of profiles of care and services received and provided with respect to patients, utilizing to the greatest extent practicable in such patient profiles, methods of coding which will provide maximum confidentiality as to patient identity and assure objective evaluation consistent with the purposes of this part. Profiles shall also be regularly reviewed on an ongoing basis with respect to each health care practitioner and provider to determine whether the care and services ordered or rendered are consistent with the criteria specified in clauses (A), (B), and (C) of paragraph (1).

Hospital care, physician review.

"(5) Physicians assigned responsibility for the review of hospital care may be only those having active hospital staff privileges in at least one of the participating hospitals in the area served by the Professional Standards Review Organization and (except as may be otherwise provided under subsection (e) (1) of this section) such physicians ordinarily should not be responsible for, but may participate in the review of care and services provided in any hospital in which such physicians have active staff privileges.

"(6) No physician shall be permitted to review—

"(A) health care services provided to a patient if he was directly or indirectly involved in providing such services, or

"(B) health care services provided in or by an institution, organization, or agency, if he or any member of his family has, directly or indirectly, any financial interest in such institution, organization, or agency.

Physician's family.

For purposes of this paragraph, a physician's family includes only his spouse (other than a spouse who is legally separated from him under a decree of divorce or separate maintenance), children (including legally adopted children), grandchildren, parents, and grandparents.

"(b) To the extent necessary or appropriate for the proper performance of its duties and functions, the Professional Standards Review Organization serving any area is authorized in accordance with regulations prescribed by the Secretary to—

"(1) make arrangements to utilize the services of persons who are practitioners of or specialists in the various areas of medicine (including dentistry), or other types of health care, which persons shall, to the maximum extent practicable, be individuals engaged in the practice of their profession within the area served by such organization;

"(2) undertake such professional inquiry either before or after, or both before and after, the provision of services with respect to which such organization has a responsibility for review under subsection (a)(1);

"(3) examine the pertinent records of any practitioner or provider of health care services providing services with respect to which such organization has a responsibility for review under subsection (a)(1); and

"(4) inspect the facilities in which care is rendered or services provided (which are located in such area) of any practitioner or provider.

"(c) No Professional Standards Review Organization shall utilize the services of any individual who is not a duly licensed doctor of medicine or osteopathy to make final determinations in accordance with its duties and functions under this part with respect to the professional conduct of any other duly licensed doctor of medicine or osteopathy, or any act performed by any duly licensed doctor of medicine or osteopathy in the exercise of his profession.

"(d) In order to familiarize physicians with the review functions and activities of Professional Standards Review Organizations and to promote acceptance of such functions and activities by physicians, patients, and other persons, each Professional Standards Review Organization, in carrying out its review responsibilities, shall (to the maximum extent consistent with the effective and timely performance of its duties and functions)—

"(1) encourage all physicians practicing their profession in the area served by such Organization to participate as reviewers in the review activities of such Organizations;

"(2) provide rotating physician membership of review committees on an extensive and continuing basis;

"(3) assure that membership on review committees have the broadest representation feasible in terms of the various types of practice in which physicians engage in the area served by such Organization; and

"(4) utilize, whenever appropriate, medical periodicals and similar publications to publicize the functions and activities of Professional Standards Review Organizations.

"(e)(1) Each Professional Standards Review Organization shall utilize the services of, and accept the findings of, the review committees of a hospital or other operating health care facility or organization located in the area served by such organization, but only when and only to the extent and only for such time that such committees in such hospital or other operating health care facility or organization have demonstrated to the satisfaction of such organization their capacity effectively and in timely fashion to review activities in such hospital or other operating health care facility or organization (including the medical necessity of admissions, types and extent of services ordered, and lengths of stay) so as to aid in accomplishing the purposes and responsibilities described in subsection (a)(1), except where the Secretary disapproves, for good cause, such acceptance. Review committees.

"(2) The Secretary may prescribe regulations to carry out the provisions of this subsection. Regulations.

"(f)(1) An agreement entered into under this part between the Secretary and any organization under which such organization is designated as the Professional Standards Review Organization for any area shall provide that such organization will— Agreement requirements.

"(A) perform such duties and functions and assume such responsibilities and comply with such other requirements as may be required by this part or under regulations of the Secretary promulgated to carry out the provisions of this part; and

"(B) collect such data relevant to its functions and such information and keep and maintain such records in such form as the Secretary may require to carry out the purposes of this part and to permit access to and use of any such records as the Secretary may require for such purposes.

"(2) Any such agreement with an organization under this part shall provide that the Secretary make payments to such organization equal to the amount of expenses reasonably and necessarily incurred, as determined by the Secretary, by such organization in carrying out or preparing to carry out the duties and functions required by such agreement.

"(g) Notwithstanding any other provision of this part, the responsibility for review of health care services of any Professional Standards Review Organization shall be the review of health care services provided by or in institutions, unless such Organization shall have made a request to the Secretary that it be charged with the duty and function of reviewing other health care services and the Secretary shall have approved such request.

"NORMS OF HEALTH CARE SERVICES FOR VARIOUS ILLNESSES OR HEALTH CONDITIONS

"SEC. 1156. (a) Each Professional Standards Review Organization shall apply professionally developed norms of care, diagnosis, and treatment based upon typical patterns of practice in its regions (including typical lengths-of-stay for institutional care by age and diagnosis) as principal points of evaluation and review. The National Professional Standards Review Council and the Secretary shall provide such technical assistance to the organization as will be helpful in utilizing and applying such norms of care, diagnosis, and treatment. Where the actual norms of care, diagnosis, and treatment in a Professional Standards Review Organization area are significantly different from professionally developed regional norms of care, diagnosis, and

treatment approved for comparable conditions, the Professional Standards Review Organization concerned shall be so informed, and in the event that appropriate consultation and discussion indicate reasonable basis for usage of other norms in the area concerned, the Professional Standards Review Organization may apply such norms in such area as are approved by the National Professional Standards Review Council.

"(b) Such norms with respect to treatment for particular illnesses or health conditions shall include (in accordance with regulations of the Secretary)—

"(1) the types and extent of the health care services which, taking into account differing, but acceptable, modes of treatment and methods of organizing and delivering care are considered within the range of appropriate diagnosis and treatment of such illness or health condition, consistent with professionally recognized and accepted patterns of care;

"(2) the type of health care facility which is considered, consistent with such standards, to be the type in which health care services which are medically appropriate for such illness or condition can most economically be provided.

Preparation and distribution of data.

"(c)(1) The National Professional Standards Review Council shall provide for the preparation and distribution, to each Professional Standards Review Organization and to each other agency or person performing review functions with respect to the provision of health care services under this Act, of appropriate materials indicating the regional norms to be utilized pursuant to this part. Such data concerning norms shall be reviewed and revised from time to time. The approval of the National Professional Standards Review Council of norms of care, diagnosis, and treatment shall be based on its analysis of appropriate and adequate data.

"(2) Each review organization, agency, or person referred to in paragraph (1) shall utilize the norms developed under this section as a principal point of evaluation and review for determining, with respect to any health care services which have been or are proposed to be provided, whether such care and services are consistent with the criteria specified in section 1155(a)(1).

Ante, p. 1433.

"(d)(1) Each Professional Standards Review Organization shall—

"(A) in accordance with regulations of the Secretary, specify the appropriate points in time after the admission of a patient for inpatient care in a health care institution, at which the physician attending such patient shall execute a certification stating that further inpatient care in such institution will be medically necessary effectively to meet the health care needs of such patient; and

"(B) require that there be included in any such certification with respect to any patient such information as may be necessary to enable such organization properly to evaluate the medical necessity of the further institutional health care recommended by the physician executing such certification.

"(2) The points in time at which any such certification will be required (usually, not later than the 50th percentile of lengths-of-stay for patients in similar age groups with similar diagnoses) shall be consistent with and based on professionally developed norms of care and treatment and data developed with respect to length of stay in health care institutions of patients having various illnesses, injuries, or health conditions, and requiring various types of health care services or procedures.

"SUBMISSION OF REPORTS BY PROFESIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1157. If, in discharging its duties and functions under this part, any Professional Standards Review Organization determines that any health care practitioner or any hospital, or other health care facility, agency, or organization has violated any of the obligations imposed by section 1160, such organization shall report the matter to the Statewide Professional Standards Review Council for the State in which such organization is located together with the recommendations of such Organization as to the action which should be taken with respect to the matter. Any Statewide Professional Standards Review Council receiving any such report and recommendation shall review the same and promptly transmit such report and recommendation to the Secretary together with any additional comments or recommendations thereon as it deems appropriate. The Secretary may utilize a Professional Standards Review Organization, in lieu of a program review team as specified in sections 1862 and 1866, for purposes of subparagraph (C) of section 1862(d)(1) and subparagraph (F) of section 1866(b)(2).

Post, p. 1438.

79 Stat. 325; 81 Stat. 846. 42 USC 1395y, 1395cc.

Ante, p. 1408.

Ante, p. 1409.

"REQUIREMENT OF REVIEW APPROVAL AS CONDITION OF PAYMENT OF CLAIMS

"SEC. 1158. (a) Except as provided for in section 1159, no Federal funds appropriated under any title of this Act (other than title V) for the provision of health care services or items shall be used (directly or indirectly) for the payment, under such title or any program established pursuant thereto, of any claim for the provision of such services or items, unless the Secretary, pursuant to regulation determines that the claimant is without fault if—

81 Stat. 921. 42 USC 701.

"(1) the provision of such services or items is subject to review under this part by any Professional Standards Review Organization, or other agency; and

"(2) such organization or other agency has, in the proper exercise of its duties and functions under or consistent with the purposes of this part, disapproved of the services or items giving rise to such claim, and has notified the practitioner or provider who provided or proposed to provide such services or items and the individual who would receive or was proposed to receive such services or items of its disapproval of the provision of such services or items.

"(b) Whenever any Professional Standards Review Organization, in the discharge of its duties and functions as specified by or pursuant to this part, disapproves of any health care services or items furnished or to be furnished by any practitioner or provider, such organization shall, after notifying the practitioner, provider, or other organization or agency of its disapproval in accordance with subsection (a), promptly notify the agency or organization having responsibility for acting upon claims for payment for or on account of such services or items.

"HEARINGS AND REVIEW BY SECRETARY

"SEC. 1159. (a) Any beneficiary or recipient who is entitled to benefits under this Act (other than title V) or a provider or practitioner who is dissatisfied with a determination with respect to a claim made by a Professional Standards Review Organization in carrying out its responsibilities for the review of professional activities in accordance with paragraphs (1) and (2) of section 1155(a) shall, after being

Ante, p. 1433.

notified of such determination, be entitled to a reconsideration thereof by the Professional Standards Review Organization and, where the Professional Standards Review Organization reaffirms such determination in a State which has established a Statewide Professional Standards Review Council, and where the matter in controversy is $100 or more, such determination shall be reviewed by professional members of such Council and, if the Council so determined, revised.

"(b) Where the determination of the Statewide Professional Standards Review Council is adverse to the beneficiary or recipient (or, in the absence of such Council in a State and where the matter in controversy is $100 or more), such beneficiary or recipient shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and, where the amount in controversy is $1,000 or more, to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). The Secretary will render a decision only after appropriate professional consultation on the matter.

53 Stat. 1368.
42 USC 405.

"(c) Any review or appeals provided under this section shall be in lieu of any review, hearing, or appeal under this Act with respect to the same issue.

"OBLIGATIONS OF HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES; SANCTIONS AND PENALTIES; HEARINGS AND REVIEW

"SEC. 1160. (a)(1) It shall be the obligation of any health care practitioner and any other person (including a hospital or other health care facility, organization, or agency) who provides health care services for which payment may be made (in whole or in part) under this Act, to assure that services or items ordered or provided by such practitioner or person to beneficiaries and recipients under this Act—

"(A) will be provided only when, and to the extent, medically necessary; and

"(B) will be of a quality which meets professionally recognized standards of health care; and

"(C) will be supported by evidence of such medical necessity and quality in such form and fashion and at such time as may reasonably be required by the Professional Standards Review Organization in the exercise of its duties and responsibilities;

and it shall be the obligation of any health care practitioner in ordering, authorizing, directing, or arranging for the provision by any other person (including a hospital or other health care facility, organization, or agency), of health care services for any patient of such practitioner, to exercise his professional responsibility with a view to assuring (to the extent of his influence or control over such patient, such person, or the provision of such services) that such services or items will be provided—

"(D) only when, and to the extent, medically necessary; and

"(E) will be of a quality which meets professionally recognized standards of health care.

"(2) Each health care practitioner, and each hospital or other provider of health care services, shall have an obligation, within reasonable limits of professional discretion, not to take any action, in the exercise of his profession (in the case of any health care practitioner), or in the conduct of its business (in the case of any hospital or other such provider), which would authorize any individual to be admitted as an inpatient in or to continue as an inpatient in any hospital or other health care facility unless—

"(A) inpatient care is determined by such practitioner and by such hospital or other provider, consistent with professionally recognized health care standards, to be medically necessary for the proper care of such individual; and

"(B) (i) the inpatient care required by such individual cannot, consistent with such standards, be provided more economically in a health care facility of a different type; or

"(ii) (in the case of a patient who requires care which can, consistent with such standards, be provided more economically in a health care facility of a different type) there is, in the area in which such individual is located, no such facility or no such facility which is available to provide care to such individual at the time when care is needed by him.

"(b)(1) If after reasonable notice and opportunity for discussion with the practitioner or provider concerned, any Professional Standards Review Organization submits a report and recommendations to the Secretary pursuant to section 1157 (which report and recommendations shall be submitted through the Statewide Professional Standards Review Council, if such Council has been established, which shall promptly transmit such report and recommendations together with any additional comments and recommendations thereon as it deems appropriate) and if the Secretary determines that such practitioner or provider, in providing health care services over which such organization has review responsibility and for which payment (in whole or in part) may be made under this Act has—

Report and recommendations.

Ante, p. 1437.

"(A) by failing, in a substantial number of cases, substantially to comply with any obligation imposed on him under subsection (a), or

"(B) by grossly and flagrantly violating any such obligation in one or more instances,

demonstrated an unwillingness or a lack of ability substantially to comply with such obligations, he (in addition to any other sanction provided under law) may exclude (permanently for such period as the Secretary may prescribe) such practitioner or provider from eligibility to provide such services on a reimbursable basis.

"(2) A determination made by the Secretary under this subsection shall be effective at such time and upon such reasonable notice to the public and to the person furnishing the services involved as may be specified in regulations. Such determination shall be effective with respect to services furnished to an individual on or after the effective date of such determination (except that in the case of institutional health care services such determination shall be effective in the manner provided in title XVIII with respect to terminations of provider agreements), and shall remain in effect until the Secretary finds and gives reasonable notice to the public that the basis for such determination has been removed and that there is reasonable assurance that it will not recur.

42 USC 1395.

"(3) In lieu of the sanction authorized by paragraph (1), the Secretary may require that (as a condition to the continued eligibility of such practitioner or provider to provide such health care services on a reimbursable basis) such practitioner or provider pay to the United States, in case such acts or conduct involved the provision or ordering by such practitioner or provider of health care services which were medically improper or unnecessary, an amount not in excess of the actual or estimated cost of the medically improper or unnecessary services so provided, or (if less) $5,000. Such amount may be deducted from any sums owing by the United States (or any instrumentality thereof) to the person from whom such amount is claimed.

"(4) Any person furnishing services described in paragraph (1) who is dissatisfied with a determination made by the Secretary under this subsection shall be entitled to reasonable notice and opportunity for a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

53 Stat. 1368.
42 USC 405.

"(c) It shall be the duty of each Professional Standards Review Organization and each Statewide Professional Standards Review Council to use such authority or influence it may possess as a professional organization, and to enlist the support of any other professional or governmental organization having influence or authority over health care practitioners and any other person (including a hospital or other health care facility, organization, or agency) providing health care services in the area served by such review organization, in assuring that each practitioner or provider (referred to in subsection (a)) providing health care services in such area shall comply with all obligations imposed on him under subsection (a).

"NOTICE TO PRACTITIONER OR PROVIDER

"SEC. 1161. Whenever any Professional Standards Review Organization takes any action or makes any determination—

"(a) which denies any request, by a health care practitioner or other provider of health care services, for approval of a health care service or item proposed to be ordered or provided by such practitioner or provider; or

"(b) that any such practitioner or provider has violated any obligation imposed on such practitioner or provider under section 1160,

such organization shall, immediately after taking such action or making such determination, give notice to such practitioner or provider of such determination and the basis therefor, and shall provide him with appropriate opportunity for discussion and review of the matter.

"STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCILS; ADVISORY GROUPS TO SUCH COUNCILS

Establishment.

"SEC. 1162. (a) In any State in which there are located three or more Professional Standards Review Organizations, the Secretary shall establish a Statewide Professional Standards Review Council.

Membership.

"(b) The membership of any such Council for any State shall be appointed by the Secretary and shall consist of—

"(1) one representative from and designated by each Professional Standards Review Organization in the State;

"(2) four physicians, two of whom may be designated by the State medical society and two of whom may be designated by the State hospital association of such State to serve as members on such Council; and

"(3) four persons knowledgeable in health care from such State whom the Secretary shall have selected as representatives of the public in such State (at least two of whom shall have been recommended for membership on the Council by the Governor of such State).

Duties.

"(c) It shall be the duty and function of the Statewide Professional Standards Review Council for any State, in accordance with regulations of the Secretary, (1) to coordinate the activities of, and disseminate information and data among the various Professional Standards Review Organizations within such State including assisting the Secre-

tary in development of uniform data gathering procedures and operating procedures applicable to the several areas in a State (including, where appropriate, common data processing operations serving several or all areas) to assure efficient operation and objective evaluation of comparative performance of the several areas and, (2) to assist the Secretary in evaluating the performance of each Professional Standards Review Organization, and (3) where the Secretary finds it necessary to replace a Professional Standards Review Organization, to assist him in developing and arranging for a qualified replacement Professional Standards Review Organization.

Payments.

"(d) The Secretary is authorized to enter into an agreement with any such Council under which the Secretary shall make payments to such Council equal to the amount of expenses reasonably and necessarily incurred, as determined by the Secretary, by such Council in carrying out the duties and functions provided in this section.

"(e)(1) The Statewide Professional Standards Review Council for any State (or in a State which does not have such Council, the Professional Standards Review Organizations in such State which have agreements with the Secretary) shall be advised and assisted in carrying out its functions by an advisory group (of not less than seven nor more than eleven members) which shall be made up of representatives of health care practitioners (other than physicians) and hospitals and other health care facilities which provide within the State health care services for which payment (in whole or in part) may be made under any program established by or pursuant to this Act.

Member selection, regulations.

"(2) The Secretary shall by regulations provide the manner in which members of such advisory group shall be selected by the Statewide Professional Standards Review Council (or Professional Standards Review Organizations in States without such Councils).

Expenses.

"(3) The expenses reasonably and necessarily incurred, as determined by the Secretary, by such group in carrying out it duties and functions under this subsection shall be considered to be expenses necessarily incurred by the Statewide Professional Standards Review Council served by such group.

"NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Establishment; membership.

"SEC. 1163. (a)(1) There shall be established a National Professional Standards Review Council (hereinafter in this section referred to as the 'Council') which shall consist of eleven physicians, not otherwise in the employ of the United States, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

5 USC 101 *et seq.*

Term of membership.

"(2) Members of the Council shall be appointed for a term of three years and shall be eligible for reappointment.

"(3) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

Qualifications.

"(b) Members of the Council shall consist of physicians of recognized standing and distinction in the appraisal of medical practice. A majority of such members shall be physicians who have been recommended by the Secretary to serve on the Council by national organizations recognized by the Secretary as representing practicing physicians. The membership of the Council shall include physicians who have been recommended for membership on the Council by consumer groups and other health care interests.

Consultants.

"(c) The Council is authorized to utilize, and the Secretary shall make available, or arrange for, such technical and professional consultative assistance as may be required to carry out its functions, and the

Secretary shall, in addition, make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by, for, or otherwise available to, the Department of Health, Education, and Welfare as the Council may require to carry out its functions.

Compensation.

"(d) Members of the Council, while serving on business of the Council, shall be entitled to receive compensation at a rate fixed by the Secretary (but not in excess of the daily rate paid under GS–18 of the General Schedule under section 5332 of title 5, United States Code), 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.

5 USC 5332 note.

Duties.

"(e) It shall be the duty of the Council to—

"(1) advise the Secretary in the administration of this part;

"(2) provide for the development and distribution, among Statewide Professional Standards Review Councils and Professional Standards Review Organizations of information and data which will assist such review councils and organizations in carrying out their duties and functions;

"(3) review the operations of Statewide Professional Standards Review Councils and Professional Standards Review Organizations with a view to determining the effectiveness and comparative performance of such review councils and organizations in carrying out the purposes of this part; and

"(4) make or arrange for the making of studies and investigations with a view to developing and recommending to the Secretary and to the Congress measures designed more effectively to accomplish the purposes and objectives of this part.

Report to Secretary and Congress.

"(f) The National Professional Standards Review Council shall from time to time, but not less often than annually, submit to the Secretary and to the Congress a report on its activities and shall include in such report the findings of its studies and investigations together with any recommendations it may have with respect to the more effective accomplishment of the purposes and objectives of this part. Such report shall also contain comparative data indicating the results of review activities, conducted pursuant to this part, in each State and in each of the various areas thereof.

"APPLICATION OF THIS PART TO CERTAIN STATE PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

"SEC. 1164. (a) In addition to the requirements imposed by law as a condition of approval of a State plan approved under any title of this Act under which health care services are paid for in whole or part, with Federal funds, there is hereby imposed the requirement that provisions of this part shall apply to the operation of such plan or program.

"(b) The requirement imposed by subsection (a) with respect to such State plans approved under this Act shall apply—

"(1) in the case of any such plan where legislative action by the State legislature is not necessary to meet such requirement, on and after January 1, 1974; and

"(2) in the case of any such plan where legislative action by the State legislature is necessary to meet such requirement, whichever of the following is earlier—

"(A) on and after July 1, 1974, or

"(B) on and after the first day of the calendar month which first commences more than ninety days after the close of the first regular session of the legislature of such State which begins after December 31, 1973.

"CORRELATION OF FUNCTIONS BETWEEN PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS AND ADMINISTRATIVE INSTRUMENTALITIES

"SEC. 1165. The Secretary shall by regulations provide for such correlation of activities, such interchange of data and information, and such other cooperation consistent with economical, efficient, coordinated, and comprehensive implementation of this part (including, but not limited to, usage of existing mechanical and other data-gathering capacity) between and among—

"(a) (1) agencies and organizations which are parties to agreements entered into pursuant to section 1816, (2) carriers which are parties to contracts entered into pursuant to section 1842, and (3) any other public or private agency (other than a Professional Standards Review Organization) having review or control functions, or proved relevant data-gathering procedures and experience, and

79 Stat. 297.
42 USC 1395h.
42 USC 1395u.

"(b) Professional Standards Review Organizations, as may be necessary or appropriate for the effective administration of title XVIII, or State plans approved under this Act.

42 USC 1395.

"PROHIBITION AGAINST DISCLOSURE OF INFORMATION

"SEC. 1166. (a) Any data or information acquired by any Professional Standards Review Organization, in the exercise of its duties and functions, shall be held in confidence and shall not be disclosed to any person except (1) to the extent that may be necessary to carry out the purposes of this part or (2) in such cases and under such circumstances as the Secretary shall by regulations provide to assure adequate protection of the rights and interests of patients, health care practitioners, or providers of health care.

"(b) It shall be unlawful for any person to disclose any such information other than for such purposes, and any person violating the provisions of this section shall, upon conviction, be fined not more than $1,000, and imprisoned for not more than six months, or both, together with the costs of prosecution.

Penalty.

"LIMITATION ON LIABILITY FOR PERSONS PROVIDING INFORMATION, AND FOR MEMBERS AND EMPLOYEES OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS, AND FOR HEALTH CARE PRACTITIONERS AND PROVIDERS

"SEC. 1167. (a) Notwithstanding any other provision of law, no person providing information to any Professional Standards Review Organization shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law, of the United States or of any State (or political subdivision thereof) unless—

"(1) such information is unrelated to the performance of the duties and functions of such Organization, or

"(2) such information is false and the person providing such information knew, or had reason to believe, that such information was false.

"(b) (1) No individual who, as a member or employee of any Professional Standards Review Organization or who furnishes profes-

sional counsel or services to such organization, shall be held by reason of the performance by him of any duty, function, or activity authorized or required of Professional Standards Review Organizations under this part, to have violated any criminal law, or to be civilly liable under any law, of the United States or of any State (or political subdivision thereof) provided he has exercised due care.

"(2) The provisions of paragraph (1) shall not apply with respect to any action taken by any individual if such individual, in taking such action, was motivated by malice toward any person affected by such action.

"(c) No doctor of medicine or osteopathy and no provider (including directors, trustees, employees, or officials thereof) of health care services shall be civilly liable to any person under any law of the United States or of any State (or political subdivision thereof) on account of any action taken by him in compliance with or reliance upon professionally developed norms of care and treatment applied by a Professional Standards Review Organization (which has been designated in accordance with section 1152(b)(1)(A)) operating in the area where such doctor of medicine or osteopathy or provider took such action but only if—

Ante, p. 1430.

"(1) he takes such action (in the case of a health care practitioner) in the exercise of his profession as a doctor of medicine or osteopathy (or in the case of a provider of health care services) in the exercise of his functions as a provider of health care services, and

"(2) he exercised due care in all professional conduct taken or directed by him and reasonably related to, and resulting from, the actions taken in compliance with or reliance upon such professionally accepted norms of care and treatment.

"AUTHORIZATION FOR USE OF CERTAIN FUNDS TO ADMINISTER THE PROVISIONS OF THIS PART

"SEC. 1168. Expenses incurred in the administration of this part shall be payable from—

"(a) funds in the Federal Hospital Insurance Trust Fund;

"(b) funds in the Federal Supplementary Medical Insurance Trust Fund; and

"(c) funds appropriated to carry out the health care provisions of the several titles of this Act;

in such amounts from each of the sources of funds (referred to in subsections (a), (b), and (c)) as the Secretary shall deem to be fair and equitable after taking into consideration the costs attributable to the administration of this part with respect to each of such plans and programs.

"TECHNICAL ASSISTANCE TO ORGANIZATIONS DESIRING TO BE DESIGNATED AS PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1169. The Secretary is authorized to provide all necessary technical and other assistance (including the preparation of prototype plans of organization and operation) to organizations described in section 1152(b)(1) which—

"(a) express a desire to be designated as a Professional Standards Review Organization; and

"(b) the Secretary determines have a potential for meeting the requirements of a Professional Standards Review Organization;

to assist such organizations in developing a proper plan to be submitted to the Secretary and otherwise in preparing to meet the requirements of this part for designation as a Professional Standards Review Organization.

"EXEMPTIONS OF CHRISTIAN SCIENCE SANATORIUMS

"SEC. 1170. The provisions of this part shall not apply with respect to a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts."

PHYSICAL THERAPY SERVICES AND OTHER THERAPY SERVICES UNDER MEDICARE

SEC. 251. (a)(1) Section 1861(p) of the Social Security Act is amended by adding at the end thereof (after and below paragraph (4)(B)) the following new sentence: "The term 'outpatient physical therapy services' also includes physical therapy services furnished an individual by a physical therapist (in his office or in such individual's home) who meets licensing and other standards prescribed by the Secretary in regulations, otherwise than under an arrangement with and under the supervision of a provider of services, clinic, rehabilitation agency, or public health agency, if the furnishing of such services meets such conditions relating to health and safety as the Secretary may find necessary." 81 Stat. 850. 42 USC 1395x.

(2) Section 1833 of such Act is amended by adding at the end thereof the following new subsection: *Ante*, p. 1424.

"(g) In the case of services described in the next to last sentence of section 1861(p), with respect to expenses incurred in any calendar year, no more than $100 shall be considered as incurred expenses for purposes of subsections (a) and (b)."

(3) Section 1833(a)(2) of such Act (as amended by section 233(b) of this Act) is further amended by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or", and by adding after subparagraph (B) the following new subparagraph: *Ante*, p. 1411.

"(C) if such services are services to which the next to last sentence of section 1861(p) applies, the reasonable charges for such services."

(4) Section 1832(a)(2)(C) of such Act is amended by striking out "services." and inserting in lieu thereof "services, other than services to which the next to last sentence of section 1861(p) applies." 81 Stat. 851. 42 USC 1395k.

(b)(1) Section 1861(p) of such Act (as amended by subsection (a)(1) of this section) is further amended by adding at the end thereof the following new sentence: "In addition, such term includes physical therapy services which meet the requirements of the first sentence of this subsection except that they are furnished to an individual as an inpatient of a hospital or extended care facility."

(2) Section 1835(a)(2)(C) of such Act is amended by striking out "on an outpatient basis". 81 Stat. 851. 42 USC 1395n.

(c) Section 1861(v) of such Act (as amended by sections 221(c)(4) and 223(f) of this Act) is further amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph: *Ante*, p. 1394.

"(5)(A) Where physical therapy services, occupational therapy services, speech therapy services, or other therapy services or services of other health-related personnel (other than physicians) are furnished under an arrangement with a provider of services or other organization, specified in the first sentence of section 1861(p) the

amount included in any payment to such provider or other organization under this title as the reasonable cost of such services (as furnished under such arrangements) shall not exceed an amount equal to the salary which would reasonably have been paid for such services (together with any additional costs that would have been incurred by the provider or other organization) to the person performing them if they had been performed in an employment relationship with such provider or other organization (rather than under such arrangement) plus the cost of such other expenses (including a reasonable allowance for traveltime and other reasonable types of expense related to any differences in acceptable methods of organization for the provision of such therapy) incurred by such person, as the Secretary may in regulations determine to be appropriate.

"(B) Notwithstanding the provisions of subparagraph (A), if a provider of services or other organization specified in the first sentence of section 1861(p) requires the services of a therapist on a limited part-time basis, or only to perform intermittent services, the Secretary may make payment on the basis of a reasonable rate per unit of service, even though such rate is greater per unit of time than salary related amounts, where he finds that such greater payment is, in the aggregate, less than the amount that would have been paid if such organization had employed a therapist on a full- or part-time salary basis."

81 Stat. 850.
42 USC 1395x.

Effective date.

(d)(1) The amendments made by subsection (a) shall apply with respect to services furnished on or after July 1, 1973.

(2) The amendments made by subsection (b) shall apply with respect to services furnished on or after the date of enactment of this Act.

(3) The amendments made by subsection (c) shall be effective with respect to accounting periods beginning after December 31, 1972.

COVERAGE OF SUPPLIES RELATED TO COLOSTOMIES

79 Stat. 313.
42 USC 1395x.

SEC. 252. (a) Section 1861(s)(8) of the Social Security Act is amended by inserting after "organ" the following: "(including colostomy bags and supplies directly related to colostomy care)".

Effective date.

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

COVERAGE PRIOR TO APPLICATION FOR MEDICAL ASSISTANCE

Ante, pp. 1415, 1417.

SEC. 255. (a) Section 1902(a) of the Social Security Act (as amended by sections 236(b) and 239(b) of this Act) is further amended—

(1) by striking out "and" at the end of paragraph (32);

(2) by striking out the period at the end of paragraph (33) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (33) the following new paragraph:

"(34) provide that in the case of any individual who has been determined to be eligible for medical assistance under the plan, such assistance will be made available to him for care and services included under the plan and furnished in or after the third month before the month in which he made application for such assistance if such individual was (or upon application would have been) eligible for such assistance at the time such care and services were furnished."

Effective date.

(b) The amendments made by subsection (a) shall be effective July 1, 1973.

HOSPITAL ADMISSIONS FOR DENTAL SERVICES UNDER MEDICARE

SEC. 256. (a) Section 1814(a)(2) of the Social Security Act is amended by striking out "or" at the end of subparagraph (C), by adding "or" after the semicolon at the end of the subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph: *Ante*, p. 1413.

"(E) in the case of inpatient hospital services in connection with a dental procedure, the individual suffers from impairments of such severity as to require hospitalization;".

(b) Section 1861(r) of such Act is amended by inserting after "or any facial bone," the following: "or (C) the certification required by section 1814(a)(2)(E) of this Act,". 79 Stat. 321. 42 USC 1395x.

(c) Section 1862(a)(12) of such Act is amended by inserting before the semicolon the following: ", except that payment may be made under part A in the case of inpatient hospital services in connection with a dental procedure where the individual suffers from impairments of such severity as to require hospitalization". 42 USC 1395y.

(d) The amendments made by this section shall apply with respect to admissions occurring after the second month following the month in which this Act is enacted. Effective date.

EXTENSION OF GRACE PERIOD FOR TERMINATION OF SUPPLEMENTARY MEDICAL INSURANCE COVERAGE WHERE FAILURE TO PAY PREMIUMS IS DUE TO GOOD CAUSE

SEC. 257. (a) Section 1838(b) of the Social Security Act is amended by striking out "(not in excess of 90 days)" in the third sentence, and by adding at the end thereof the following new sentence: "The grace period determined under the preceding sentence shall not exceed 90 days; except that it may be extended to not to exceed 180 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 90-day period." *Ante*, p. 1378.

(b) The amendments made by subsection (a) shall apply with respect to nonpayment of premiums which become due and payable on or after the date of the enactment of this Act or which became payable within the 90-day period immediately preceding such date; and for purposes of such amendments any premium which became due and payable within such 90-day period shall be considered a premium becoming due and payable on the date of the enactment of this Act. Effective date.

EXTENSION OF TIME FOR FILING CLAIM FOR SUPPLEMENTARY MEDICAL INSURANCE BENEFITS WHERE DELAY IS DUE TO ADMINISTRATIVE ERROR

SEC. 258. (a) Section 1842(b)(3) of the Social Security Act (as amended by section 224(a) of this Act) is further amended by adding at the end thereof the following new sentence: "The requirement in subparagraph (B) that a bill be submitted or request for payment be made by the close of the following calendar year shall not apply if (i) failure to submit the bill or request the payment by the close of such year is due to the error or misrepresentation of an officer, employee, fiscal intermediary, carrier, or agent of the Department of Health, Education, and Welfare performing functions under this title and acting within the scope of his or its authority, and (ii) the bill is submitted or the payment is requested promptly after such error or misrepresentation is eliminated or corrected." *Ante*, p. 1395.

(b) The amendment made by subsection (a) shall apply with respect to bills submitted and requests for payment made after March 1968. Effective date.

WAIVER OF ENROLLMENT PERIOD REQUIREMENTS WHERE INDIVIDUAL'S RIGHTS WERE PREJUDICED BY ADMINISTRATIVE ERROR OR INACTION

SEC. 259. (a) Section 1837 of the Social Security Act (after the new subsections added by section 206(a) of this Act) is amended by adding at the end thereof the following new subsection:

Ante, p. 1378.

"(h) In any case where the Secretary finds that an individual's enrollment or nonenrollment in the insurance program established by this part or part A pursuant to section 1818 is unintentional, inadvertent, or erroneous and is the result of the error, misrepresentation, or inaction of an officer, employee, or agent of the Federal Government, or its instrumentalities, the Secretary may take such action (including the designation for such individual of a special initial or subsequent enrollment period, with a coverage period determined on the basis thereof and with appropriate adjustments of premiums) as may be necessary to correct or eliminate the effects of such error, misrepresentation, or inaction."

Ante, p. 1374.

Effective date.

(b) The amendment made by subsection (a) shall be effective as of July 1, 1966.

ELIMINATION OF PROVISIONS PREVENTING ENROLLMENT IN SUPPLEMENTARY MEDICAL INSURANCE PROGRAM MORE THAN THREE YEARS AFTER FIRST OPPORTUNITY

42 USC 1395p.

SEC. 260. Section 1837(b) of the Social Security Act is amended to read as follows:

"(b) No individual may enroll under this part more than twice."

WAIVER OF RECOVERY OF INCORRECT PAYMENTS FROM SURVIVOR WHO IS WITHOUT FAULT UNDER MEDICARE

42 USC 1395gg.

SEC. 261. (a) Section 1870(c) of the Social Security Act is amended by striking out "and where" and inserting in lieu thereof the following: "or where the adjustment (or recovery) would be made by decreasing payments to which another person who is without fault is entitled as provided in subsection (b)(4), if".

Effective date.

(b) The amendment made by subsection (a) shall apply with respect to waiver actions considered after the date of the enactment of this Act.

REQUIREMENT OF MINIMUM AMOUNT OF CLAIM TO ESTABLISH ENTITLEMENT TO HEARING UNDER SUPPLEMENTARY MEDICAL INSURANCE PROGRAM

42 USC 1395u.

SEC. 262. (a) Section 1842(b)(3)(C) of the Social Security Act is amended by inserting after "a fair hearing by the carrier" the following: ", in any case where the amount in controversy is $100 or more,".

Effective date.

(b) The amendment made by subsection (a) shall apply with respect to hearings requested (under the procedures established under section 1842(b)(3)(C) of the Social Security Act) after the date of the enactment of this Act.

COLLECTION OF SUPPLEMENTARY MEDICAL INSURANCE PREMIUMS FROM INDIVIDUALS ENTITLED TO BOTH SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS

42 USC 1395s.

SEC. 263. (a) Section 1840(a)(1) of the Social Security Act is amended by striking out "subsection (d)" and inserting in lieu thereof "subsections (b)(1) and (c)".

(b) Section 1840(b)(1) of such Act is amended by inserting "(whether or not such individual is also entitled for such month to a monthly insurance benefit under section 202)" after "1937", and by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)". 42 USC 1395s.

(c) Section 1840 of such Act is further amended by striking out subsection (c), and by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(d)(1) Section 1840(e) of such Act (as so redesignated) is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)".

(2) Section 1840(f) of such Act (as so redesignated) is amended by striking out "subsection (d) or (f)" and inserting in lieu thereof "subsection (c) or (e)".

(3) Section 1840(h) of such Act (as so redesignated) is amended by striking out "(c), (d), and (e)" and inserting in lieu thereof "(c), and (d)".

(4) Section 1841(h) of such Act is amended by striking out "1840(e)" and inserting in lieu thereof "1840(d)". 42 USC 1395t.

(5) Section 1842 of such Act is amended by adding at the end thereof the following new subsection: 42 USC 1395u.

"(g) The Railroad Retirement Board shall, in accordance with such regulations as the Secretary may prescribe, contract with a carrier or carriers to perform the functions set out in this section with respect to individuals entitled to benefits as qualified railroad retirement beneficiaries pursuant to section 226(a) of this Act and section 21(b) of the Railroad Retirement Act of 1937." *Ante*, p. 1371. 79 Stat. 340. 45 USC 228s-2.

(e) Section 1841 of such Act is amended by adding at the end thereof the following new subsection: 42 USC 1395t.

"(i) The Managing Trustee shall pay from time to time from the Trust Fund such amounts as the Secretary of Health, Education, and Welfare certifies are necessary to pay the costs incurred by the Railroad Retirement Board for services performed pursuant to section 1840(b)(1) and section 1842(g). During each fiscal year or after the close of such fiscal year, the Railroad Retirement Board shall certify to the Secretary the amount of the costs it incurred in performing such services and such certified amount shall be the basis for the amount of such costs certified by the Secretary to the Managing Trustee."

(f) The amendments made by this section with respect to collection of premiums shall apply to premiums becoming due and payable after the fourth month following the month in which this Act is enacted. Effective date.

PROSTHETIC LENSES FURNISHED BY OPTOMETRISTS UNDER SUPPLEMENTARY MEDICAL INSURANCE PROGRAM

SEC. 264. (a) Section 1861(r) of the Social Security Act (as amended by sections 211(c)(2) and 256(b) of this Act) is further amended (1) by striking out "or (3)" and inserting in lieu thereof "(3)", and (2) by inserting before the period at the end thereof the following: ", or (4) a doctor of optometry who is legally authorized to practice optometry by the State in which he performs such function, but only with respect to establishing the necessity for prosthetic lenses". *Ante*, pp. 1384, 1447.

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

PROVISION OF MEDICAL SOCIAL SERVICES NOT MANDATORY FOR EXTENDED CARE FACILITIES

SEC. 265. Section 1861(j)(11) of the Social Security Act (as redesignated by section 234(d) of this Act) is amended by inserting before the semicolon at the end thereof the following: ", except that the Secretary shall not require as a condition of participation that medical social services be furnished in any such institution".

Ante, pp. 1412, 1424.

REFUND OF EXCESS PREMIUMS UNDER MEDICARE

SEC. 266. Section 1870 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 1395gg.

"(g) If an individual, who is enrolled under section 1818(c) of the Social Security Act or under section 1837, dies, and premiums with respect to such enrollment have been received with respect to such individual for any month after the month of his death, such premiums shall be refunded to the person or persons determined by the Secretary under regulations to have paid such premiums or if payment for such premiums was made by the deceased individual before his death, to the legal representative of the estate of such deceased individual, if any. If there is no person who meets the requirements of the preceding sentence such premiums shall be refunded to the person or persons in the priorities specified in paragraphs (2) through (7) of subsection (e)."

Ante, p. 1374. 42 USC 1395p.

WAIVER OF REGISTERED NURSE REQUIREMENT IN SKILLED NURSING FACILITIES IN RURAL AREAS

SEC. 267. Section 1861(j) of the Social Security Act, as amended by sections 234(d) and 246(b) of this Act, is further amended by adding at the end thereof the following new sentence: "To the extent that paragraph (6) of this subsection may be deemed to require that any skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week, the Secretary is authorized to waive such requirement if he finds that—

Ante, pp. 1412, 1424.

"(A) such facility is located in a rural area and the supply of skilled nursing facility services in such area is not sufficient to meet the needs of individuals residing therein,

"(B) such facility has one full-time registered professional nurse who is regularly on duty at such facility 40 hours a week, and

"(C) such facility (i) has only patients whose physicians have indicated (through physicians' orders or admission notes) that each such patient does not require the services of a registered nurse or a physician for a 48-hour period, or (ii) has made arrangements for a registered professional nurse or a physician to spend such time at such facility as may be indicated as necessary by the physician to provide necessary skilled nursing services on days when the regular full-time registered professional nurse is not on duty."

EXEMPTION OF CHRISTIAN SCIENCE SANATORIUMS FROM CERTAIN NURSING HOME REQUIREMENTS UNDER MEDICAID

SEC. 268. (a) Section 1902(a) of the Social Security Act is amended by adding at the end thereof the following new sentence: "For purposes of paragraphs (9)(A), (29), (31), and (33), and of section 1903(i)(4), the terms 'skilled nursing home' and 'nursing home' do not

42 USC 1396a.

Ante, p. 1415.

include a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts."

(b) Section 1908(g)(1) of such Act is amended by inserting after "Secretary" the following: ", but does not include a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts". 81 Stat. 908. 42 USC 1396g.

(c) The amendments made by this section shall be effective on the date of the enactment of this Act. Effective date.

REQUIREMENTS FOR NURSING HOME ADMINISTRATORS

SEC. 269. Section 1908(d) of the Social Security Act is amended by striking out "No State" and inserting in lieu thereof the following: "No State shall be considered to have failed to comply with the provisions of section 1902(a)(29) because the agency or board of such State (established pursuant to subsection (b)) shall have granted any waiver, with respect to any individual who, during all of the three calendar years immediately preceding the calendar year in which the requirements prescribed in section 1902(a)(29) are first met by the State, has served as a nursing home administrator, of any of the standards developed, imposed, and enforced by such agency or board pursuant to subsection (c). No State". 42 USC 1396a.

INCREASE IN LIMITATION ON PAYMENTS TO PUERTO RICO AND THE VIRGIN ISLANDS FOR MEDICAL ASSISTANCE

SEC. 271. (a) Section 1108(c)(1) of the Social Security Act is amended by striking out "$20,000,000" and inserting in lieu thereof "$30,000,000". 42 USC 1308.

(b) Section 1108(c)(2) of such Act is amended by striking out "$650,000" and inserting in lieu thereof "$1,000,000".

(c) The amendments made by subsections (a) and (b) shall apply with respect to fiscal years beginning after June 30, 1971. Effective date.

MEDICAL ASSISTANCE IN PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM

SEC. 271A. (a) Section 227(b) of the Social Security Amendments of 1967 is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1975". 81 Stat. 903. 42 USC 1396a note.

(b) The amendment made by subsection (a) shall be effective from and after July 1, 1972. Effective date.

EXTENSION OF TITLE V TO AMERICAN SAMOA AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 272. (a) Section 1101(a)(1) of the Social Security Act is amended by adding at the end thereof the following new sentence: "Such term when used in title V also includes American Samoa and the Trust Territory of the Pacific Islands." 42 USC 1301.

(b) Section 1108(d) of such Act is amended by inserting, after "allot such smaller amount to Guam", the following: ", American Samoa, and the Trust Territory of the Pacific Islands". 42 USC 1308.

(c) The amendments made by this section shall apply with respect to fiscal years beginning after June 30, 1971. Effective date.

INCLUSION OF CHIROPRACTOR SERVICES UNDER MEDICARE

SEC. 273. (a) Section 1861(r) of the Social Security Act (as amended by sections 256(b) and 264(a) of this Act) is further amended by— *Ante*, p. 1449.

(1) striking out "or (4)" and inserting in lieu thereof "(4)", and

(2) inserting before the period at the end thereof the following ", or (5) a chiropractor who is licensed as such by the State (or in a State which does not license chiropractors as such, is legally authorized to perform the services of a chiropractor in the jurisdiction in which he performs such services), and who meets uniform minimum standards promulgated by the Secretary, but only for the purpose of sections 1861(s)(1) and 1861(s)(2)(A) and only with respect to treatment by means of manual manipulation of the spine (to correct a subluxation demonstrated by X-ray to exist) which he is legally authorized to perform by the State or jurisdiction in which such treatment is provided".

42 USC 1395x.

Effective date.

(b) The amendments made by this section shall be effective with respect to services furnished after June 30, 1973.

MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS

SEC. 274. (a) Clause (A) of section 1902(a)(26) of the Social Security Act is amended by striking out "evaluation" and inserting in lieu thereof "evaluation)", and by striking out "care)" and inserting in lieu thereof "care".

42 USC 1396a.

42 USC 1396g.

(b) Section 1908(d) of such Act is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "subsection (c)(1)".

CHIROPRACTORS' SERVICES UNDER MEDICAID

SEC. 275. (a) Section 1905 of the Social Security Act is amended by adding after subsection (f), as added by section 247 of this Act, the following new subsection:

"(g) If the State plan includes provision of chiropractors' services, such services include only—

"(1) services provided by a chiropractor (A) who is licensed as such by the State and (B) who meets uniform minimum standards promulgated by the Secretary under section 1861(r)(5); and

"(2) services which consist of treatment by means of manual manipulation of the spine which the chiropractor is legally authorized to perform by the State."

Effective date.

(b) The amendment made by this section shall be effective with respect to services furnished after June 30, 1973.

SERVICES OF PODIATRIC INTERNS AND RESIDENTS UNDER PART A OF MEDICARE

SEC. 276. (a) Section 1861(b)(6), as added by section 227(a) of this Act, is amended by deleting "; or" and inserting in lieu thereof the following: ", or in the case of services in a hospital or osteopathic hospital by an intern or resident-in-training in the field of podiatry, approved by the Council on Podiatry Education of the American Podiatry Association; or".

Effective date.

(b) The amendment made by this section shall apply with respect to accounting periods beginning after December 31, 1972.

USE OF CONSULTANTS FOR EXTENDED CARE FACILITIES

42 USC 1395aa.

SEC. 277. Section 1864(a) of the Social Security Act is amended by adding at the end the following new sentence: "Any State agency which has such an agreement may (subject to approval of the Secre-

tary) furnish to an extended care facility, after proper request by such facility, such specialized consultative services (which such agency is able and willing to furnish in a manner satisfactory to the Secretary) as such facility may need to meet one or more of the conditions specified in section 1861(j). Any such services furnished by a State agency shall be deemed to have been furnished pursuant to such agreement." 42 USC 1395x.

DESIGNATION OF EXTENDED CARE FACILITIES AND SKILLED NURSING HOMES AS SKILLED NURSING FACILITIES

SEC. 278. (a) The following sections of the Social Security Act are amended by striking out "extended care facility", "extended care facilities", "skilled nursing home", and "skilled nursing homes" each time they appear therein and inserting in lieu thereof "skilled nursing facility" or "skilled nursing facilities", as the case may be, and by changing "an" to "a" as appropriate:

(1) section 1814(a)(2)(C); *Ante*, p. 1425.
(2) section 1814(a)(6); 42 USC 1395f.
(3) section 1814(a)(7);
(4) section 1861(a)(2); 42 USC 1395x.
(5) section 1861(h);
(6) section 1861(i);
(7) section 1861(j);
(8) section 1861(k);
(9) section 1861(l);
(10) section 1861(m)(7);
(11) section 1861(n);
(12) section 1861(u);
(13) section 1861(v)(3);
(14) section 1861(w);
(15) section 1861(y);
(16) section 1864(a); 42 USC 1395aa.
(17) section 1866; 42 USC 1395cc.
(18) section 1902(a)(13); 42 USC 1396a.
(19) section 1902(a)(26);
(20) section 1902(a)(28); *Ante*, p. 1424.
(21) section 1905(a)(4); 42 USC 1396d.
(22) section 1905(a)(5);
(23) section 1905(a)(14); and *Ante*, p. 1459.
(24) section 1121. 42 USC 1320a.

(b) The following sections of the Social Security Act, as amended or added by the provisions of this Act, are further amended by striking out the terms "extended care facility", "extended care facilities", "skilled nursing home", and "skilled nursing homes" each time they appear therein and inserting in lieu thereof "skilled nursing facility" or "skilled nursing facilities", as the case may be, and by changing "an" to "a" as appropriate:

(1) section 1903 (g) and (h) of the Social Security Act as added by section 207 of this Act;

(2) section 402(a)(1)(E) of the Social Security Amendments of 1967 as amended by section 222 of this Act;

(3) section 1876 of the Social Security Act as added by section 226(a) of this Act;

(4) section 1814(h) of such Act as added by section 228(a) of this Act;

(5) section 1903(h) of such Act as added by section 207(a)(1) of this Act;

(6) section 1861(z) of such Act as added by section 234(f) of this Act;

(7) section 1903(i)(4) of such Act as added by section 237(a) of this Act;

(8) section 1877(c) of such Act as added by section 242(b) of this Act;

(9) section 1909(c) of such Act as added by section 242(c) of this Act;

(10) section 1861(i) of such Act as amended by section 248 of this Act;

(11) section 1861(v)(1)(E) of such Act as added by section 249(b) of this Act;

(12) section 1910 of such Act as added by section 249A of this Act;

(13) section 1861(j) of such Act as amended by section 267 of this Act;

(14) section 1902(a) of such Act as amended by section 268 of this Act;

(15) section 1864(a) of such Act as amended by section 277 of this Act;

(16) section 1903(j) of such Act as added by section 225 of this Act;

(17) section 1814(h) of such Act as added by section 228(a) of this Act; and

(18) section 1866(a)(1) of such Act as amended by section 249A of this Act.

DIRECT LABORATORY BILLING OF PATIENTS

SEC. 279. (a) Section 1833(a)(1) of the Social Security Act (as amended by section 211(c)(4) of this Act) is further amended by— *Ante*, p. 1384.

(1) striking out "and" before "(C)";

(2) inserting before the semicolon at the end thereof the following: ", and (D) with respect to diagnostic tests performed in a laboratory for which payment is made under this part to the laboratory, the amounts paid shall be equal to 100 percent of the negotiated rate for such tests (as determined pursuant to subsection (g) of this section)".

(b) Section 1833 of such Act is amended by adding at the end thereof the following subsection: *Ante*, p. 1445.

"(g) With respect to diagnostic tests performed in a laboratory for which payment is made under this part to the laboratory, the Secretary is authorized to establish a payment rate which is acceptable to the laboratory and which would be considered the full charge for such tests. Such negotiated rate shall be limited to an amount not in excess of the total payment that would have been made for the services in the absence of such a rate."

CLARIFICATION OF MEANING OF "PHYSICIANS' SERVICES" UNDER TITLE XIX

SEC. 280. Section 1905(a)(5) of the Social Security Act is amended by inserting "furnished by a physician (as defined in section 1861(r)(1))" after "physicians' services". 42 USC 1396d.

LIMITATION ON ADJUSTMENT OR RECOVERY OF INCORRECT PAYMENTS UNDER THE MEDICARE PROGRAM

SEC. 281. (a)(1) Section 1870(b)(1) of the Social Security Act is amended by— 42 USC 1395gg.

(A) inserting "(A)" after "the Secretary determines"; and

(B) inserting at the end of paragraph (1) the following:

"(B) that such provider of services or other person was without fault with respect to the payment of such excess over the correct amount, or".

(2) Section 1870(b) of such Act is amended by adding at the end the following new sentence: "For purposes of clause (B) of paragraph (1), such provider of services or such other person shall, in the absence of evidence to the contrary, be deemed to be without fault if the Secretary's determination that more than such correct amount was paid was made subsequent to the third year following the year in which notice was sent to such individual that such amount had been paid; except that the Secretary may reduce such three-year period to not less than one year if he finds such reduction is consistent with the objectives of this title." 42 USC 1395gg.

(b) Section 1870(c) of such Act (as amended by section 261 of this Act) is further amended by—

(1) inserting "or title XVIII" after "title II", and

(2) adding at the end the following new sentence: "Adjustment or recovery of an incorrect payment (or only such part of an incorrect payment as the Secretary determines to be inconsistent with the purposes of this title) against an individual who is without fault shall be deemed to be against equity and good conscience if (A) the incorrect payment was made for expenses incurred for items or services for which payment may not be made under this title by reason of the provisions of paragraph (1) or (9) of section 1862 and (B) if the Secretary's determination that such payment was incorrect was made subsequent to the third year following the year in which notice of such payment was sent to such individual; except that the Secretary may reduce such three-year period to not less than one year if he finds such reduction is consistent with the objectives of this title." 42 USC 1395y.

(c) Section 1866(a)(1) of such Act (as amended by section 227(d)(2) of this Act) is further amended by—

(1) redesignating subparagraph (B) as subparagraph (C), and

(2) inserting after subparagraph (A) the following new subparagraph:

"(B) not to charge any individual or any other person for items or services for which such individual is not entitled to have payment made under this title because payment for expenses incurred for such items or services may not be made by reason of the provisions of paragraph (1) or (9), but only if (i) such individual was without fault in incurring such expenses and (ii) the Secretary's determination that such payment may not be made for such items and services was made after the third year following the year in which notice of such payment was sent to such individual; except that the Secretary may reduce such three-year period to not less than one year if he finds such reduction is consistent with the objectives of this title, and"

(d) Section 1842(b)(3)(B)(ii) of such Act (as amended by section 211(c)(3) of this Act) is further amended by—

(1) inserting "(I)" after "of which"; and

(2) inserting after "service" the following: "and (II) the physician or other person furnishing such service agrees not to charge for such service if payment may not be made therefor by reason of the provisions of paragraph (1) of section 1862, and if the individual to whom such service was furnished was without fault in incurring the expenses of such service, and if the

Secretary's determination that payment (pursuant to such assignment) was incorrect and was made subsequent to the third year following the year in which notice of such payment was sent to such individual; except that the Secretary may reduce such three-year period to not less than one year if he finds such reduction is consistent with the objectives of this title."

42 USC 1395f.

(e) Section 1814(a)(1) of such Act is amended to read as follows:

"(1) written request, signed by such individual, except in cases in which the Secretary finds it impracticable for the individual to do so, is filed for such payment in such form, in such manner, and by such person or persons as the Secretary may by regulation prescribe, no later than the close of the period of 3 calendar years following the year in which such services are furnished (deeming any services furnished in the last 3 calendar months of any calendar year to have been furnished in the succeeding calendar year) except that where the Secretary deems that efficient administration so requires, such period may be reduced to not less than 1 calendar year;".

42 USC 1395n.

(f) Section 1835(a)(1) of such Act is amended to read as follows:

"(1) written request, signed by such individual, except in cases in which the Secretary finds it impracticable for the individual to do so, is filed for such payment in such form, in such manner and by such person or persons as the Secretary may by regulation prescribe, no later than the close of the period of 3 calendar years following the year in which such services are furnished (deeming any services furnished in the last 3 calendar months of any calendar year to have been furnished in the succeeding calendar year) except that, where the Secretary deems that efficient administration so requires, such period may be reduced to not less than 1 calendar year; and".

Effective date.

(g) The provisions of subsection (a)(1) shall apply with respect to notices of payment sent to individuals after the date of enactment of this Act. The provisions of subsections (a)(2), (b), (c), and (d) shall apply in the case of notices sent to individuals after 1968. The provisions of subsections (e) and (f) shall apply in the case of services furnished (or deemed to have been furnished) after 1970.

COVERAGE OF OUTPATIENT SPEECH PATHOLOGY SERVICES UNDER MEDICARE

Ante, p. 1445.

SEC. 283. (a) Section 1861(p) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The term 'outpatient physical therapy services' also includes speech pathology services furnished by a provider of services, a clinic, rehabilitation agency, or by a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient, subject to the conditions prescribed in this subsection.".

(b) Section 1835(a)(2) of such Act (as amended by section 251 of this Act) is further amended—

(1) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(2) by adding after subparagraph (C) the following new subparagraph:

"(D) in the case of outpatient speech pathology services, (i) such services are or were required because the individual needed speech pathology services, (ii) a plan for furnishing such services has been established and is periodically reviewed by a physician, and (iii) such services are or were furnished while the individual is or was under the care of a physician.".

Effective date.

(c) The provisions of this section shall apply with respect to services rendered after December 31, 1972.

TERMINATION OF MEDICAL ASSISTANCE ADVISORY COUNCIL

SEC. 287. (a) Section 1906 of the Social Security Act is repealed. Repeal. 42 USC 1396e.
(b) The provisions of subsection (a) shall become effective on the first day of the third calendar month following the month in which this Act is enacted. Effective date.

MODIFICATION OF THE ROLE OF THE HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

SEC. 288. (a) Section 1867(a) of the Social Security Act is amended to read as follows: 42 USC 1395dd.

"(a) There is hereby created a Health Insurance Benefits Advisory Council which shall consist of 19 persons, not otherwise in the employ of the United States, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive services. The Secretary shall from time to time appoint one of the members to serve as Chairman. The members shall include persons who are outstanding in fields related to hospital, medical, and other health activities, persons who are representative of organizations and associations of professional personnel in the field of medicine, and at least one person who is representative of the general public. Each member shall hold office for a term of four years, 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. A member shall not be eligible to serve continuously for more than two terms. Members of the Advisory Council, while attending meetings or conferences thereof or otherwise serving on business of the Advisory 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 the Government service employed intermittently. The Advisory Council shall meet as the Secretary deems necessary, but not less than annually." 5 USC 101 *et seq.* Per diem and travel expenses.

(b) Section 1867(b) of such Act is amended to read as follows:

"(b) It shall be the function of the Advisory Council to provide advice and recommendations for the consideration of the Secretary on matters of general policy with respect to this title and title XIX." 42 USC 1395, 1396.

(c) Section 1867 of such Act is further amended by striking out subsection (c).

AUTHORITY OF SECRETARY TO ADMINISTER OATHS IN MEDICARE PROCEEDINGS

SEC. 289. Section 1874 of the Social Security Act is amended by adding at the end thereof the following new subsection: 42 USC 1395kk.

"(c) In the course of any hearing, investigation, or other proceeding that he is authorized to conduct under this title, the Secretary may administer oaths and affirmations."

WITHHOLDING OF FEDERAL PAYMENTS UNDER MEDICAID WITH RESPECT TO CERTAIN HEALTH CARE FACILITIES

SEC. 290. Section 1903 of the Social Security Act is amended by adding after subsection (i) thereof the following new subsection: *Ante*, pp. 1396, 1454.

"(j)(1) Notwithstanding the preceding provisions of this section, no payment shall be made to a State (except as provided under this

subsection) with respect to expenditures incurred by it for services provided by any institution during any period that an order for suspension of payment (as authorized by this subsection) is effective with respect to such institution.

"(2) The Secretary may issue a suspension of payment order with respect to any institution if—

"(A) such institution (i) does not (at the time such order is issued) have in effect an agreement with the Secretary which is entered into pursuant to section 1866; and (ii) did (prior to the time such order is issued) have in effect such an agreement; and

42 USC 1395cc.

"(B)(i) the Secretary has been unable to collect (or make satisfactory arrangement for the collection of) amounts due on account of overpayments made to such institution under title XVIII; or

42 USC 1395.

"(ii) the Secretary has been unable to obtain from such institution the data and information necessary to enable him to determine the amount (if any) of the overpayments made to such institution under title XVIII.

Notice.

"(3) Whenever the Secretary issues any order for suspension of payment under this subsection with respect to any institution, he shall submit a notice of such order to the single State agency (referred to in section 1902(a)(5)) of each State which he has reason to believe does or may utilize the services of such institution in providing medical assistance under a plan approved under this title.

42 USC 1396a.

"(4) Any order for suspension of payment issued with respect to any institution under this subsection shall become effective, in the case of any state plan approved under this title, on the 60th day after the date the State agency (referred to in section 1902(a)(5)) administering or supervising the administration of such plan receives notice of such order submitted pursuant to paragraph (3). Any such order shall cease to be effective at such time as the Secretary is satisfied that the institution is participating in substantial negotiations which seek to remedy the conditions which gave rise to his order of suspension of payments, or that the amounts (referred to in paragraph (2)) are no longer due from such institution or that a satisfactory arrangement has been made for the payment by such institution of any such amounts. Upon the determination of the Secretary that any such order with respect to any such institution shall cease to be effective, he shall forthwith notify each State agency to which he has theretofore submitted notice under paragraph (3) with respect to such institution.

"(5) Whenever any order which has been issued by the Secretary under the preceding provisions of this subsection with respect to an institution ceases to be effective, any payment to which any State would (except for the preceding provisions of this subsection) have been entitled under this section on account of services provided by such institution shall be made to such State for the month in which such order ceases to be effective."

INTERMEDIATE CARE SERVICES IN STATES WHICH DO NOT HAVE A MEDICAID PROGRAM

SEC. 292. Section 4(d) of Public Law 92-223 (approved December 28, 1971) is amended by inserting immediately before the period at the end thereof the following: "; except that the repeal made by subsection (c) shall not become effective in the case of any State, which on January 1, 1972 did not have in effect a State plan approved under title XIX of the Social Security Act, until the first day of the first month (occurring after such date) that such State does have in effect a State plan approved under such title".

85 Stat. 810.
42 USC 1396a note.

42 USC 1396.

REQUIRED INFORMATION RELATING TO EXCESS MEDICARE TAX PAYMENTS BY RAILROAD EMPLOYEES

SEC. 293. (a) Section 6051(a) of the Internal Revenue Code of 1954 (relating to requirement of receipts for employees) is amended— 68A Stat. 747. 26 USC 6051.

(1) by striking out "section 3101, 3201, or 3402" in the matter preceding paragraph (1) and inserting in lieu thereof "section 3101 or 3402";

(2) by inserting "and" at the end of paragraph (5), and by striking out the comma at the end of paragraph (6) and inserting in lieu thereof a period; and

(3) by striking out paragraphs (7) and (8).

(b) Section 6051(c) of such Code (relating to additional requirements (is amended by striking out "sections 3101 and 3201" in the second sentence and inserting in lieu thereof "section 3101".

(c) Section 6051 of such Code (relating to receipts for employees) is amended by adding at the end thereof the following new subsection:

"(e) RAILROAD EMPLOYEES.—

"(1) ADDITIONAL REQUIREMENT.—Every person required to deduct and withhold tax under section 3201 from an employee shall include on or with the statement required to be furnished such employee under subsection (a) a notice concerning the provisions of this title with respect to the allowance of a credit or refund of the tax on wages imposed by section 3101(b) and the tax on compensation imposed by section 3201 or 3211 which is treated as a tax on wages imposed by section 3101(b).

"(2) INFORMATION TO BE SUPPLIED TO EMPLOYEES.—Each person required to deduct and withhold tax under section 3201 during any year from an employee who has also received wages during such year subject to the tax imposed by section 3101(b) shall, upon request of such employee, furnish to him a written statement showing—

"(A) the total amount of compensation with respect to which the tax imposed by section 3201 was deducted,

"(B) the total amount deducted as tax under section 3201, and

"(C) the portion of the total amount deducted as tax under section 3201 which is for financing the cost of hospital insurance under part A of title XVIII of the Social Security Act." 42 USC 1395c.

(d) The amendments made by this section shall apply in respect to remuneration paid after December 31, 1971. Effective date.

APPOINTMENT AND CONFIRMATION OF ADMINISTRATOR OF SOCIAL AND REHABILITATION SERVICE

SEC. 294. Appointments made on or after the date of enactment of this Act to the office of Administrator of the Social and Rehabilitation Service, within the Department of Health, Education, and Welfare, shall be made by the President, by and with the advice and consent of the Senate.

REPEAL OF SECTION 1903(b)(1)

SEC. 295. Section 1903(b)(1) of the Social Security Act is repealed. 42 USC 1396b.

COVERAGE UNDER MEDICAID OF INTERMEDIATE CARE FURNISHED IN MENTAL AND TUBERCULOSIS INSTITUTIONS

SEC. 297. (a) Section 1905(a)(14) of the Social Security Act is amended to read as follows: 42 USC 1396d.

"(14) inpatient hospital services, skilled nursing home services, and intermediate care facility services for individuals 65 years of age or over in an institution for tuberculosis or mental diseases;"

Effective date.

(b) The amendment made by this section shall apply with respect to services furnished after December 31, 1972.

INDEPENDENT REVIEW OF INTERMEDIATE CARE FACILITY PATIENTS

85 Stat. 809.
42 USC 1396a.

SEC. 298. Section 1902(a)(31)(A) of the Social Security Act, as added by Public Law 92-223, is amended by striking out the phrase "which provides more than a minimum level of health care services."

INTERMEDIATE CARE, MAINTENANCE OF EFFORT IN PUBLIC INSTITUTIONS

42 USC 1396d.

SEC. 299. Section 1905(d)(3) of the Social Security Act, as added by Public Law 92-223, is amended to read as follows:

"(3) the State or political subdivision responsible for the operation of such institution has agreed that the non-Federal expenditures in any calendar quarter prior to January 1, 1975, with respect to services furnished to patients in such institution (or distinct part thereof) in the State will not, because of payments made under this title, be reduced below the average amount expended for such services in such institution in the four quarters immediately preceding the quarter in which the State in which such institution is located elected to make such services available under its plan approved under this title."

DISCLOSURE OF OWNERSHIP OF OPERATIONS OF INTERMEDIATE CARE FACILITIES

SEC. 299A. Section 1902(a) of the Social Security Act, as amended by sections 236, 239, and 255 of this Act, is further amended—

(1) by striking out "and" at the end of paragraph (33);

(2) by striking out the period at the end of paragraph (34) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (34) the following new paragraph:

"(35) effective January 1, 1973, provide that any intermediate care facility receiving payments under such plan must supply to the licensing agency of the State full and complete information as to the identity (A) of each person having (directly or indirectly) an ownership interest of 10 per centum or more in such intermediate care facility, (B) in case an intermediate care facility is organized as a corporation, of each officer and director of the corporation, and (C) in case an intermediate care facility is organized as a partnership, of each partner; and promptly report any changes which would affect the current accuracy of the information so required to be supplied."

TREATMENT IN MENTAL HOSPITALS FOR INDIVIDUALS UNDER AGE 21

SEC. 299B. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking the word "and" in paragraph (15);

(2) by redesignating paragraph (15) as paragraph (17);

(3) by redesignating paragraph (16) as paragraph (15);

(4) by inserting after paragraph (15) the following new paragraph:

"(16) effective January 1, 1973, inpatient psychiatric hospital services for individuals under 21, as defined in subsection (e);".

(b) Section 1905 of such Act, as amended by sections 212(a), 247(b) and 275(e) of this Act, is further amended by adding after subsection (g) the following new subsection: *Ante*, p. 1452.

"(h)(1) For purposes of paragraph (16) of subsection (a), the term 'inpatient psychiatric hospital services for individuals under age 21' includes only— Definition.

"(A) inpatient services which are provided in an institution which is accredited as a psychiatric hospital by the Joint Commission on Accreditation of Hospitals;

"(B) inpatient services which, in the case of any individual, involves active treatment (i) which meets such standards as may be prescribed pursuant to title XVIII in regulations by the Secretary, and (ii) which a team, consisting of physicians and other personnel qualified to make determinations with respect to mental health conditions and the treatment thereof, has determined are necessary on an inpatient basis and can reasonably be expected to improve the condition, by reason of which such services are necessary, to the extent that eventually such services will no longer be necessary; and 42 USC 1395.

"(C) inpatient services which, in the case of any individual, are provided prior to (A) the date such individual attains age 21, or (B) in the case of an individual who was receiving such services in the period immediately preceding the date on which he attained age 21, (i) the date such individual no longer requires such services, or (ii) if earlier, the date such individual attains age 22;

"(2) Such term does not include services provided during any calendar quarter under the State plan of any State if the total amount of the funds expended, during such quarter, by the State (and the political subdivisions thereof) from non-Federal funds for inpatient services included under paragraph (e)(1), and for active psychiatric care and treatment provided on an outpatient basis for eligible mentally ill children, is less than the average quarterly amount of the funds expended, during the 4-quarter period ending December 31, 1971, by the State (and the political subdivisions thereof) from non-Federal funds for such services."

(c) Section 1905(a) is further amended by striking out, in the part which follows paragraph (17) (as redesignated by subsection (a) of this section), "except that" and inserting in lieu thereof "except as otherwise provided in paragraph (16),".

PUBLIC DISCLOSURE OF INFORMATION CONCERNING SURVEY REPORTS OF AN INSTITUTION

SEC. 299D. (a) Section 1864(a) of the Social Security Act is amended by adding at the end thereof the following new sentence: "Within 90 days following the completion of each survey of any health care facility, laboratory, clinic, agency, or organization by the appropriate State or local agency described in the first sentence of this subsection, the Secretary shall make public in readily available form and place the pertinent findings of each such survey relating to the compliance of each such health care facility, laboratory, clinic, agency, or organization with (1) the statutory conditions of participation imposed under this title and (2) the major additional conditions which the Secretary finds necessary in the interest of health and safety of individuals who are furnished care or services by any such facility, laboratory, clinic, agency, or organization.". *Ante*, pp. 1452-1454.

(b) Section 1902(a) of the Social Security Act, as amended by sections 236, 239, 255, and 299A of this Act, is further amended— *Ante*, p. 1460.

(1) by striking out "and" at the end of paragraph (35);

(2) by striking out the period at the end of paragraph (36) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (36) the following new paragraph:

"(37) provide that within 90 days following the completion of each survey of any health care facility, laboratory, agency, clinic, or organization, by the appropriate State agency described in paragraph (9), such agency shall (in accordance with regulations of the Secretary) make public in readily available form and place the pertinent findings of each such survey relating to the compliance of each such health care facility, laboratory, clinic, agency, or organization with (A) the statutory conditions of participation imposed under this title, and (B) the major additional conditions which the Secretary finds necessary in the interest of health and safety of individuals who are furnished care or services by any such facility, laboratory, clinic, agency, or organization.

Effective date.

(c) The provisions of this section shall be effective beginning January 1, 1973, or within 6 months following the enactment of this Act, whichever is later.

FAMILY PLANNING SERVICES MANDATORY UNDER MEDICAID

SEC. 299E. (a) Section 1903(a) of the Social Security Act, as amended by sections 235 and 249B of this Act, is further amended by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following new paragraph: *Ante*, p. 1428.

"(5) an amount equal to 90 per centum of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the plan) which are attributable to the offering, arranging, and furnishing (directly or on a contract basis) of family planning services and supplies;".

79 Stat. 351; 81 Stat. 929. 42 USC 1396d.

(b) Section 1905(a)(4) of the Social Security Act is amended by adding after clause (B) the following: "and (C) family planning services and supplies furnished (directly or under arrangements with others) to individuals of child-bearing age (including minors who can be considered to be sexually active) who are eligible under the State plan and who desire such services and supplies;".

85 Stat. 803. 42 USC 602.

(c) Section 402(a)(15)(B) of such Act is amended, effective January 1, 1973, (1) by adding after "in all appropriate cases" the following: "(including minors who can be considered to be sexually active)", and (2) by adding after "family planning services are offered them" the following: "and are provided promptly (directly or under arrangements with others) to all individuals voluntarily requesting such services".

49 Stat. 628; 85 Stat. 805. 42 USC 603.

(d) Section 403 of such Act is amended by adding at the end thereof the following new sections:

"(e) Notwithstanding any other provision of subsection (a), with respect to expenditures during any calendar quarter beginning after December 31, 1972 (as found necessary by the Secretary for the proper and efficient administration of the plan) which are attributable to the offering, arranging, and furnishing, directly or on a contract basis, of family planning services and supplies, the amount payable to any State under this part shall be 90 per centum of such expenditures.

"(f) Notwithstanding any other provision of this section, the amount payable to any State under this part for quarters in a fiscal year shall with respect to quarters in fiscal years beginning after June 30, 1973, be reduced by 1 per centum (calculated without regard to any reduction under section 403(g)) of such amount if such State— *Infra.*

"(1) in the immediately preceding fiscal year failed to carry out the provisions of section 402(a)(15)(B) as pertain to requiring the offering and arrangement for provision of family planning services; or *Ante*, p. 1462.

"(2) in the immediately preceding fiscal year (but, in the case of the fiscal year beginning July 1, 1972, only considering the third and fourth quarters thereof), failed to carry out the provisions of section 402(a)(15)(B) of the Social Security Act with respect to any individual who, within such period or periods as the Secretary may prescribe, has been an applicant for or recipient of aid to families with dependent children under the plan of the State approved under this part."

PENALTY FOR FAILURE TO PROVIDE CHILD HEALTH SCREENING SERVICES UNDER MEDICAID

SEC. 299F. Section 403 of the Social Security Act is amended by adding at the end thereof the following:

"(g) Notwithstanding any other provision of this section, the amount payable to any State under this part for quarters in a fiscal year shall with respect to quarters in fiscal years beginning after June 30, 1974, be reduced by 1 per centum (calculated without regard to any reduction under section 403(f)) of such amount if such State fails to— *Supra.*

"(1) inform all families in the State receiving aid to families with dependent children under the plan of the State approved under this part of the availability of child health screening services under the plan of such State approved under title XIX, *Ante*, p. 1426.

"(2) provide or arrange for the provision of such screening services in all cases where they are requested, or

"(3) arrange for (directly or through referral to appropriate agencies, organizations, or individuals) corrective treatment the need for which is disclosed by such child health screening services."

CHRONIC RENAL DISEASE CONSIDERED TO CONSTITUTE DISABILITY

SEC. 299I. Effective with respect to services provided on and after July 1, 1973, section 226 of the Social Security Act (as amended by section 201(b)(5) of this Act) is amended by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following new subsection: Effective date. *Ante*, p. 1372.

"(e) Notwithstanding the foregoing provisions of this section, every individual who—

"(1) has not attained the age of 65;

"(2)(A) is fully or currently insured (as such terms are defined in section 214 of this Act), or (B) is entitled to monthly insurance benefits under title II of this Act, or (C) is the spouse or dependent child (as defined in regulations) of an individual who is fully or currently insured, or (D) is the spouse or dependent child (as defined in regulations) of an individual entitled to monthly insurance benefits under title II of this Act; and *Ante*, p. 1341. 42 USC 401.

"(3) is medically determined to have chronic renal disease and who requires hemodialysis or renal transplantation for such disease;

shall be deemed to be disabled for purposes of coverage under parts A and B of Medicare subject to the deductible, premium, and copayment provisions of title XVIII.

42 USC 1395.

"(f) Medicare eligibility on the basis of chronic kidney failure shall begin with the third month after the month in which a course of renal dialysis is initiated and would end with the twelfth month after the month in which the person has a renal transplant or such course of dialysis is terminated.

"(g) The Secretary is authorized to limit reimbursement under Medicare for kidney transplant and dialysis to kidney disease treatment centers which meet such requirements as he may by regulation prescribe: *Provided*, That such requirements must include at least requirements for a minimal utilization rate for covered procedures and for a medical review board to screen the appropriateness of patients for the proposed treatment procedures."

ELIMINATION OF COINSURANCE PAYMENT WITH RESPECT TO HOME HEALTH SERVICES UNDER PART B OF MEDICARE

Ante, p. 1411.

SEC. 299K. (a) Section 1833(a)(2) of the Social Security Act is amended by striking out "80 percent" and inserting in lieu thereof "with respect to home health services, 100 percent, and with respect to other services, 80 percent."

Effective date.

(b) The amendment made by subsection (a) shall apply to services furnished by home health agencies in accounting periods beginning after December 31, 1972.

CERTIFICATION OF INTERMEDIATE CARE FACILITIES AND SKILLED NURSING FACILITIES LOCATED ON AN INDIAN RESERVATION

85 Stat. 809.
42 USC 1396d.

SEC. 299L. (a) Section 1905(c) of the Social Security Act, as added by Public Law 92-223, is amended by adding after the penultimate sentence thereof the following: "The term 'intermediate care facility' also includes any institution which is located in a State on an Indian reservation and is certified by the Secretary as meeting the requirements of clauses (2) and (3) of this subsection and providing the care and services required under clauses (1).".

"Skilled nursing facility."
Ante, p. 1452.

(b) Section 1905 of the Social Security Act, as amended by this Act, is amended by adding at the end thereof the following new subsection:

"(h) For purposes of this title, the term 'skilled nursing facility' also includes any institution which is located in a State on an Indian reservation and is certified by the Secretary as being a qualified skilled nursing facility by meeting the requirements of section 1861(j)."

42 USC 1395x.

DETERMINATIONS AND APPEALS

79 Stat. 330.
42 USC 1395ff.

SEC. 299O. (a) Section 1869(b) of the Social Security Act is amended to read as follows:

"(b)(1) Any individual dissatisfied with any determination under subsection (a) as to—

42 USC 426.

"(A) whether he meets the conditions of section 226 of this Act or section 103 of the Social Security Amendments of 1965, or

79 Stat. 333; 81 Stat. 854.
42 USC 426a.
42 USC 1395j.
Ante, p. 1374.

"(B) whether he is eligible to enroll and has enrolled pursuant to the provisions of part B of this title, or section 1818, or section 1819, or

42 USC 1395c.

"(C) the amount of benefits under part A (including a determination where such amount is determined to be zero)

shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). 42 USC 405.

"(2) Notwithstanding the provisions of subparagraph (C) of paragraph (1) of this subsection, a hearing shall not be available to an individual by reason of such subparagraph (C) if the amount in controversy is less than $100; nor shall judicial review be available to an individual by reason of such subparagraph (C) if the amount in controversy is less than $1,000."

(b)(1) The provisions of subparagraphs (A) and (B) of section 1869(b)(1) of the Social Security Act, as amended by subsection (a) of this section, shall be effective on the date of enactment of this Act. Effective dates.

(2) The provisions of paragraph (2) and of subparagraph (C) of paragraph (1) of section 1869(b) of the Social Security Act, as amended by subsection (a) of this section, shall be effective with respect to any claims under part A of title XVIII of such Act, filed— 42 USC 1395c.

(A) in or after the month in which this Act is enacted, or

(B) before the month in which this Act is enacted, but only if a civil action with respect to a final decision of the Secretary of Health, Education, and Welfare on such claim has not been commenced under such section 1869(b) before such month.

TITLE III—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

ESTABLISHMENT OF PROGRAM

SEC. 301. Effective January 1, 1974, title XVI of the Social Security Act is amended to read as follows: Effective date.

76 Stat. 197; 81 Stat. 896. 42 USC 1381.

"TITLE XVI—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

"PURPOSE; APPROPRIATIONS

"SEC. 1601. For the purpose of establishing a national program to provide supplemental security income to individuals who have attained age 65 or are blind or disabled, there are authorized to be appropriated sums sufficient to carry out this title.

"BASIC ELIGIBILITY FOR BENEFITS

"SEC. 1602. Every aged, blind, or disabled individual who is determined under part A to be eligible on the basis of his income and resources shall, in accordance with and subject to the provisions of this title, be paid benefits by the Secretary of Health, Education, and Welfare.

"PART A—DETERMINATION OF BENEFITS

"ELIGIBILITY FOR AND AMOUNT OF BENEFITS

"Definition of Eligible Individual

"SEC. 1611. (a) (1) Each aged, blind, or disabled individual who does not have an eligible spouse and—

"(A) whose income, other than income excluded pursuant to section 1612(b), is at a rate of not more than $1,560 for the calendar year 1974 or any calendar year thereafter, and

"(B) whose resources, other than resources excluded pursuant to section 1613(a), are not more than (i) in case such individual has a spouse with whom he is living, $2,250, or (ii) in case such individual has no spouse with whom he is living, $1,500,

shall be an eligible individual for purposes of this title.

"(2) Each aged, blind, or disabled individual who has an eligible spouse and—

"(A) whose income (together with the income of such spouse), other than income excluded pursuant to section 1612(b), is at a rate of not more than $2,340 for the calendar year 1974, or any calendar year thereafter, and

"(B) whose resources (together with the resources of such spouse), other than resources excluded pursuant to section 1613 (a), are not more than $2,250,

shall be an eligible individual for purposes of this title.

"Amounts of Benefits

"(b) (1) The benefit under this title for an individual who does not have an eligible spouse shall be payable at the rate of $1,560 for the calendar year 1974 and any calendar year thereafter, reduced by the amount of income, not excluded pursuant to section 1612(b), of such individual.

"(2) The benefit under this title for an individual who has an eligible spouse shall be payable at the rate of $2,340 for the calendar year 1974 and any calendar year thereafter, reduced by the amount of income, not excluded pursuant to section 1612(b), of such individual and spouse.

"Period for Determination of Benefits

"(c) (1) An individual's eligibility for benefits under this title and the amount of such benefits shall be determined for each quarter of a calendar year except that, if the initial application for benefits is filed in the second or third month of a calendar quarter, such determinations shall be made for each month in such quarter. Eligibility for and the amount of such benefits for any quarter shall be redetermined at such time or times as may be provided by the Secretary.

"(2) For purposes of this subsection an application shall be considered to be effective as of the first day of the month in which it was actually filed.

"Special Limits on Gross Income

"(d) The Secretary may prescribe the circumstances under which, consistently with the purposes of this title, the gross income from a trade or business (including farming) will be considered sufficiently large to make an individual ineligible for benefits under this title. For purposes of this subsection, the term 'gross income' has the same

meaning as when used in chapter 1 of the Internal Revenue Code of 1954. 26 USC 1 *et seq.*

"Limitation on Eligibility of Certain Individuals

"(e)(1)(A) Except as provided in subparagraph (B), no person shall be an eligible individual or eligible spouse for purposes of this title with respect to any month if throughout such month he is an inmate of a public institution.

"(B) In any case where an eligible individual or his eligible spouse (if any) is, throughout any month, in a hospital, extended care facility, nursing home, or intermediate care facility receiving payments (with respect to such individual or spouse) under a State plan approved under title XIX, the benefit under this title for such individual for such month shall be payable— 42 USC 1396.

"(i) at a rate not in excess of $300 per year (reduced by the amount of any income not excluded pursuant to section 1612(b)) in the case of an individual who does not have an eligible spouse;

"(ii) at a rate not in excess of the sum of the applicable rate specified in subsection (b)(1) and the rate of $300 per year (reduced by the amount of any income not excluded pursuant to section 1612(b)) in the case of an individual who has an eligible spouse, if only one of them is in such a hospital, home, or facility throughout such month; and

"(iii) at a rate not in excess of $600 per year (reduced by the amount of any income not excluded pursuant to section 1612(b)) in the case of an individual who has an eligible spouse, if both of them are in such a hospital, home, or facility throughout such month.

"(2) No person shall be an eligible individual or eligible spouse for purposes of this title if, after notice to such person by the Secretary that it is likely that such person is eligible for any payments of the type enumerated in section 1612(a)(2)(B), such person fails within 30 days to take all appropriate steps to apply for and (if eligible) obtain any such payments.

"(3)(A) No person who is an aged, blind, or disabled individual solely by reason of disability (as determined under section 1614(a)(3)) shall be an eligible individual or eligible spouse for purposes of this title with respect to any month if such individual is medically determined to be a drug addict or an alcoholic unless such individual is undergoing any treatment that may be appropriate for his condition as a drug addict or alcoholic (as the case may be) at an institution or facility approved for purposes of this paragraph by the Secretary (so long as such treatment is available) and demonstrates that he is complying with the terms, conditions, and requirements of such treatment and with requirements imposed by the Secretary under subparagraph (B).

"(B) The Secretary shall provide for the monitoring and testing of all individuals who are receiving benefits under this title and who as a condition of such benefits are required to be undergoing treatment and complying with the terms, conditions, and requirements thereof as described in subparagraph (A), in order to assure such compliance and to determine the extent to which the imposition of such requirement is contributing to the achievement of the purposes of this title. The Secretary shall annually submit to the Congress a full and complete report on his activities under this paragraph. Report to Congress.

"Suspension of Payments to Individuals Who Are Outside the United States

"(f) Notwithstanding any other provision of this title, no individual shall be considered an eligible individual for purposes of this title for any month during all of which such individual is outside the United States (and no person shall be considered the eligible spouse of an individual for purposes of this title with respect to any month during all of which such person is outside the United States). For purposes of the preceding sentence, after an individual has been outside the United States for any period of 30 consecutive days, he shall be treated as remaining outside the United States until he has been in the United States for a period of 30 consecutive days.

"Certain Individuals Deemed To Meet Resources Test

"(g) In the case of any individual or any individual and his spouse (as the case may be) who for the month of December 1973 was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI, the resources of such individual or such individual and his spouse shall be deemed not to exceed the amount specified in sections 1611(a)(1)(B) and 1611(a)(2)(B) during any period that the resources of such individual or individual and his spouse (as the case may be) does not exceed the maximum amount of resources, as specified in the State plan (above referred to, and as in effect in October 1972) under which he or they were entitled to aid or assistance for the month of December 1972.

42 USC 301, 1201, 1351.
Ante, p. 1465.

"Certain Individuals Deemed To Meet Income Test

"(h) In determining eligibility for, and the amount of, benefits payable under this section in the case of any individual or any individual and his spouse (as the case may be) who is blind (as that term is defined under a State plan approved under title X or XVI as in effect in October 1972) and who for the month of December 1973 was a recipient of aid or assistance under a State plan approved under title X or XVI, there shall be disregarded an amount equal to the greater of the amounts determined as follows—

"(1) the maximum amount of any earned or unearned income which could have been disregarded under the State plan (above referred to, and as in effect in October 1972), or

"(2) the amount which would be required to be disregarded under section 1612 without application of this subsection.

"INCOME

"Meaning of Income

"SEC. 1612. (a) For purposes of this title, income means both earned income and unearned income; and—

"(1) earned income means only—

42 USC 403.

"(A) wages as determined under section 203(f)(5)(C); and

Ante, p. 1353.

"(B) net earnings from self-employment, as defined in section 211 (without the application of the second and third sentences following subsection (a)(10), and the last par-

agraph of subsection (a)), including earnings for services described in paragraphs (4), (5), and (6) of subsection (c); and

"(2) unearned income means all other income, including—

"(A) support and maintenance furnished in cash or kind; except that in the case of any individual (and his eligible spouse, if any) living in another person's household and receiving support and maintenance in kind from such person, the dollar amounts otherwise applicable to such individual (and spouse) as specified in subsections (a) and (b) of section 1611 shall be reduced by 33⅓ percent in lieu of including such support and maintenance in the unearned income of such individual (and spouse) as otherwise required by this subparagraph;

"(B) any payments received as an annuity, pension, retirement, or disability benefit, including veterans' compensation and pensions, workmen's compensation payments, old-age, survivors, and disability insurance benefits, railroad retirement annuities and pensions, and unemployment insurance benefits;

"(C) prizes and awards;

"(D) the proceeds of any life insurance policy to the extent that they exceed the amount expended by the beneficiary for purposes of the insured individual's last illness and burial or $1,500, whichever is less;

"(E) gifts (cash or otherwise), support and alimony payments, and inheritances; and

"(F) rents, dividends, interest, and royalties.

"Exclusions From Income

"(b) In determining the income of an individual (and his eligible spouse) there shall be excluded—

"(1) subject to limitations (as to amount or otherwise) prescribed by the Secretary, if such individual is a child who is, as determined by the Secretary, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment, the earned income of such individual;

"(2) the first $240 per year (or proportionately smaller amounts for shorter periods) of income (whether earned or unearned) other than income which is paid on the basis of the need of the eligible individual;

"(3)(A) the total unearned income of such individual (and such spouse, if any) in a calendar quarter which, as determined in accordance with criteria prescribed by the Secretary, is received too infrequently or irregularly to be included, if such income so received does not exceed $60 in such quarter, and (B) the total earned income of such individual (and such spouse, if any) in a calendar quarter which, as determined in accordance with such criteria, is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter;

"(4)(A) if such individual (or such spouse) is blind (and has not attained age 65, or received benefits under this title (or aid under a State plan approved under section 1002 or 1602) for the month before the month in which he attained age 65), (i) the first $780 per year (or proportionately smaller amounts for shorter periods) of earned income not excluded by the preceding para-

Post, p. 1488.

graphs of this subsection, plus one-half of the remainder thereof, (ii) an amount equal to any expenses reasonably attributable to the earning of any income, and (iii) such additional amounts of other income, where such individual has a plan for achieving self-support approved by the Secretary, as may be necessary for the fulfillment of such plan,

"(B) if such individual (or such spouse) is disabled but not blind (and has not attained age 65, or received benefits under this title (or aid under a State plan approved under section 1402 or 1602) for the month before the month in which he attained age 65), (i) the first $780 per year (or proportionately smaller amounts for shorter periods) of earned income not excluded by the preceding paragraphs of this subsection, plus one-half of the remainder thereof, and (ii) such additional amounts of other income, where such individual has a plan for achieving self-support approved by the Secretary, as may be necessary for the fulfillment of such plan, or

Post, p. 1488.

"(C) if such individual (or such spouse) has attained age 65 and is not included under subparagraph (A) or (B), the first $780 per year (or proportionately smaller amounts for shorter periods) of earned income not excluded by the preceding paragraphs of this subsection, plus one-half of the remainder thereof;

"(5) any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual (or such spouse);

"(6) assistance described in section 1616(a) which is based on need and furnished by any State or political subdivision of a State;

"(7) any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution;

"(8) home produce of such individual (or spouse) utilized by the household for its own consumption;

"(9) if such individual is a child one-third of any payment for his support received from an absent parent; and

"(10) any amounts received for the foster care of a child who is not an eligible individual but who is living in the same home as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency.

"RESOURCES

"Exclusions From Resources

"SEC. 1613. (a) In determining the resources of an individual (and his eligible spouse, if any) there shall be excluded—

"(1) the home (including the land that appertains thereto), to the extent that its value does not exceed such amount as the Secretary determines to be reasonable;

"(2) household goods, personal effects, and an automobile, to the extent that their total value does not exceed such amount as the Secretary determines to be reasonable;

"(3) other property which, as determined in accordance with and subject to limitations prescribed by the Secretary, is so essential to the means of self-support of such individual (and such spouse) as to warrant its exclusion;

"(4) such resources of an individual who is blind or disabled and who has a plan for achieving self-support approved by the

Secretary, as may be necessary for the fulfillment of such plan; and

"(5) in the case of Natives of Alaska, shares of stock held in a Regional or a Village Corporation, during the period of twenty years in which such stock is inalienable, as provided in section 7(h) and section 8(c) of the Alaska Native Claims Settlement Act. 85 Stat. 691. 43 USC 1606, 1607.

In determining the resources of an individual (or eligible spouse) an insurance policy shall be taken into account only to the extent of its cash surrender value; except that if the total face value of all life insurance policies on any person is $1,500 or less, no part of the value of any such policy shall be taken into account.

"Disposition of Resources

"(b) The Secretary shall prescribe the period or periods of time within which, and the manner in which, various kinds of property must be disposed of in order not to be included in determining an individual's eligibility for benefits. Any portion of the individual's benefits paid for any such period shall be conditioned upon such disposal; and any benefits so paid shall (at the time of the disposal) be considered overpayments to the extent they would not have been paid had the disposal occurred at the beginning of the period for which such benefits were paid.

"MEANING OF TERMS

"Aged, Blind, or Disabled Individual

"SEC. 1614. (a)(1) For purposes of this title, the term 'aged, blind, or disabled individual' means an individual who—

"(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

"(B) is a resident of the United States, and is either (i) a citizen or (ii) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act). 79 Stat. 912. 66 Stat. 182. 8 USC 1153, 1182.

"(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined. 42 USC 1201, 1381.

"(3)(A) An individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months (or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity). An individual shall also be

considered to be disabled for purposes of this title if he is permanently and totally disabled as defined under a State plan approved under title XIV or XVI as in effect for October 1972 and received aid under such plan (on the basis of disability) for December 1973, so long as he is continuously disabled as so defined.

42 USC 1351, 1381.

"(B) For purposes of subparagraph (A), an individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the preceding sentence (with respect to any individual), 'work which exists in the national economy' means work which exists in significant numbers either in the region where such individual lives or in several regions of the country.

Definition.

"(C) For purposes of this paragraph, a physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

"(D) The Secretary shall by regulations prescribe the criteria for determining when services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity. Notwithstanding the provisions of subparagraph (B), an individual whose services or earnings meet such criteria, except for purposes of paragraph (4), shall be found not to be disabled.

"(4)(A) For purposes of this title, any services rendered during a period of trial work (as defined in subparagraph (B)) by an individual who is an aged, blind, or disabled individual solely by reason of disability (as determined under paragraph (3) of this subsection) shall be deemed not to have been rendered by such individual in determining whether his disability has ceased in a month during such period. As used in this paragraph, the term 'services' means activity which is performed for remuneration or gain or is determined by the Secretary to be of a type normally performed for remuneration or gain.

Definition.

"(B) The term 'period of trial work', with respect to an individual who is an aged, blind, or disabled individual solely by reason of disability (as determined under paragraph (3) of this subsection), means a period of months beginning and ending as provided in subparagraphs (C) and (D).

"(C) A period of trial work for any individual shall begin with the month in which he becomes eligible for benefits under this title on the basis of his disability; but no such period may begin for an individual who is eligible for benefits under this title on the basis of a disability if he has had a previous period of trial work while eligible for benefits on the basis of the same disability.

"(D) A period of trial work for any individual shall end with the close of whichever of the following months is the earlier:

"(i) the ninth month, beginning on or after the first day of such period, in which the individual renders services (whether or not such nine months are consecutive); or

"(ii) the month in which his disability (as determined under paragraph (3) of this subsection) ceases (as determined after the application of subparagraph (A) of this paragraph).

"Eligible Spouse

"(b) For purposes of this title, the term 'eligible spouse' means an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual and who has not been living apart from such other aged, blind, or disabled individual for more than six months. If two aged, blind, or disabled individuals are husband and wife as described in the preceding sentence, only one of them may be an 'eligible individual' within the meaning of section 1611(a).

"Definition of Child

"(c) For purposes of this title, the term 'child' means an individual who is neither married nor (as determined by the Secretary) the head of a household, and who is (1) under the age of eighteen, or (2) under the age of twenty-two and (as determined by the Secretary) a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

"Determination of Marital Relationships

"(d) In determining whether two individuals are husband and wife for purposes of this title, appropriate State law shall be applied; except that—

"(1) if a man and women have been determined to be husband and wife under section 216(h)(1) for purposes of title II they shall be considered (from and after the date of such determination or the date of their application for benefits under this title, whichever is later) to be husband and wife for purposes of this title, or 42 USC 401.

"(2) if a man and woman are found to be holding themselves out to the community in which they reside as husband and wife, they shall be so considered for purposes of this title notwithstanding any other provision of this section.

"United States

"(e) For purposes of this title, the term 'United States', when used in a geographical sense, means the 50 States and the District of Columbia.

"Income and Resources of Individuals Other Than Eligible Individuals and Eligible Spouses

"(f)(1) For purposes of determining eligibility for and the amount of benefits for any individual who is married and whose spouse is living with him in the same household but is not an eligible spouse, such individual's income and resources shall be deemed to include any income and resources of such spouse, whether or not available to such individual, except to the extent determined by the Secretary to be inequitable under the circumstances.

"(2) For purposes of determining eligibility for and the amount of benefits for any individual who is a child under age 21, such individual's income and resources shall be deemed to include any income and resources of a parent of such individual (or the spouse of such a parent) who is living in the same household as such individual,

whether or not available to such individual, except to the extent determined by the Secretary to be inequitable under the circumstances.

"REHABILITATION SERVICES FOR BLIND AND DISABLED INDIVIDUALS

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 65, and

"(2) is receiving benefits (or with respect to whom benefits are paid) under this title,

the Secretary shall make provision for referral of such individual to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases as he may determine) for a review not less often than quarterly of such individual's blindness or disability and his need for and utilization of the rehabilitation services made available to him under such plan.

68 Stat. 652.
29 USC 31 note.

"(b) Every individual with respect to whom the Secretary is required to make provision for referral under subsection (a) shall accept such rehabilitation services as are made available to him under the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act; and the Secretary is authorized to pay to the State agency administering or supervising the administration of such State plan the costs incurred in the provision of such services to individuals so referred.

"(c) No individual shall be an eligible individual or eligible spouse for purposes of this title if he refuses without good cause to accept vocational rehabilitation services for which he is referred under subsection (a).

"OPTIONAL STATE SUPPLEMENTATION

"SEC. 1616. (a) Any cash payments which are made by a State (or political subdivision thereof) on a regular basis to individuals who are receiving benefits under this title or who would but for their income be eligible to receive benefits under this title, as assistance based on need in supplementation of such benefits (as determined by the Secretary), shall be excluded under section 1612(b)(6) in determining the income of such individuals for purposes of this title and the Secretary and such State may enter into an agreement which satisfies subsection (b) under which the Secretary will, on behalf of such State (or subdivision) make such supplementary payments to all such individuals.

"(b) Any agreement between the Secretary and a State entered into under subsection (a) shall provide—

"(1) that such payments will be made (subject to subsection (c)) to all individuals residing in such State (or subdivision) who are receiving benefits under this title, and

"(2) such other rules with respect to eligibility for or amount of the supplementary payments, and such procedural or other general administrative provisions, as the Secretary finds necessary (subject to subsection (c)) to achieve efficient and effective administration of both the program which he conducts under this title and the optional State supplementation.

"(c)(1) Any State (or political subdivision) making supplementary payments described in subsection (a) may at its option impose as a condition of eligiblity for such payments, and include in the State's agreement with the Secretary under such subsection, a residence requirement which excludes individuals who have resided in the State (or political subdivision) for less than a minimum period prior to application for such payments.

"(2) Any State (or political subdivision), in determining the eligibility of any individual for supplementary payments described in subsection (a), may disregard amounts of earned and unearned income in addition to other amounts which it is required or permitted to disregard under this section in determining such eligibility, and shall include a provision specifying the amount of any such income that will be disregarded, if any.

"(d) Any State which has entered into an agreement with the Secretary under this section which provides that the Secretary will, on behalf of the State (or political subdivision), make the supplementary payments to individuals who are receiving benefits under this title (or who would but for their income be eligible to receive such benefits), shall, at such times and in such installments as may be agreed upon between the Secretary and such State, pay to the Secretary an amount equal to the expenditures made by the Secretary as such supplementary payments.

"PART B—PROCEDURAL AND GENERAL PROVISIONS

"PAYMENTS AND PROCEDURES

"Payment of Benefits

"SEC. 1631. (a)(1) Benefits under this title shall be paid at such time or times and in such installments as will best effectuate the purposes of this title, as determined under regulations (and may in any case be paid less frequently than monthly where the amount of the monthly benefit would not exceed $10).

"(2) Payments of the benefit of any individual may be made to any such individual or to his eligible spouse (if any) or partly to each, or, if the Secretary deems it appropriate to any other person (including an appropriate public or private agency) who is interested in or concerned with the welfare of such individual (or spouse). Notwithstanding the provisions of the preceding sentence, in the case of any individual or eligible spouse referred to in section 1611(e)(3)(A), the Secretary shall provide for making payments of the benefit to any other person (including an appropriate public or private agency) who is interested in or concerned with the welfare of such individual (or spouse).

"(3) The Secretary may by regulation establish ranges of incomes within which a single amount of benefits under this title shall apply.

"(4) The Secretary—

"(A) may make to any individual initially applying for benefits under this title who is presumptively eligible for such benefits and who is faced with financial emergency a cash advance against such benefits in an amount not exceeding $100; and

"(B) may pay benefits under this title to an individual applying for such benefits on the basis of disability for a period not exceeding 3 months prior to the determination of such individual's disability, if such individual is presumptively disabled and is determined to be otherwise eligible for such benefits, and any benefits so paid prior to such determination shall in no event be considered overpayments for purposes of subsection (b).

"(5) Payment of the benefit of any individual who is an aged, blind, or disabled individual solely by reason of blindness (as determined under section 1614(a)(2)) or disability (as determined under section 1614(a)(3)), and who ceases to be blind or to be under such disability,

shall continue (so long as such individual is otherwise eligible) through the second month following the month in which such blindness or disability ceases.

"Overpayments and Underpayments

"(b) Whenever the Secretary finds that more or less than the correct amount of benefits has been paid with respect to any individual, proper adjustment or recovery shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments to such individual or by recovery from or payment to such individual or his eligible spouse (or by recovery from the estate of either). The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of benefits with respect to an individual with a view to avoiding penalizing such individual or his eligible spouse who was without fault in connection with the overpayment, if adjustment or recovery on account of such overpayment in such case would defeat the purposes of this title, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this title.

"Hearings and Review

"(c)(1) 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 thirty days after notice of such determination is received.

"(2) Determination on the basis of such hearing, except to the extent that the matter in disagreement involves the existence of 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).

"(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; except that the determination of the Secretary after such hearing as to any fact shall be final and conclusive and not subject to review by any court.

42 USC 405.

"Procedures; Prohibitions of Assignments; Representation of Claimants

42 USC 407.

"(d)(1) The provisions of section 207 and subsections (a), (d), (e), and (f) of section 205 shall apply with respect to this part to the same extent as they apply in the case of title II.

42 USC 401.

"(2) To the extent the Secretary finds it will promote the achievement of the objectives of this title, qualified persons may be appointed to serve as hearing examiners in hearings under subsection (c) without meeting the specific standards prescribed for hearing examiners by or under subchapter II of chapter 5 of title 5, United States Code.

80 Stat. 381; 81 Stat. 54. 5 USC 551.

"(3) The Secretary may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys, as hereinafter provided, representing claimants before the Secretary under this title, and may require of such agents or other persons, before being recognized as representatives of claimants, that they shall show

Rules and regulations.

that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the highest court of the State, Territory, District, or insular possession of his residence or before the Supreme Court of the United States or the inferior Federal courts, shall be entitled to represent claimants before the Secretary. The Secretary may, after due notice and opportunity for hearing, suspend or prohibit from further practice before him any such person, agent, or attorney who refuses to comply with the Secretary's rules and regulations or who violates any provision of this paragraph for which a penalty is prescribed. The Secretary may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Secretary under this title, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this title by word, circular, letter, or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Secretary, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

Offenses and penalties.

"Applications and Furnishing of Information

"(e)(1)(A) The Secretary shall, subject to subparagraph (B), prescribe such requirements with respect to the filing of applications, the suspension or termination of assistance, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this title.

Requirements.

"(B) The requirements prescribed by the Secretary pursuant to subparagraph (A) shall require that eligibility for benefits under this title will not be determined solely on the basis of declarations by the applicant concerning eligibility factors or other relevant facts, and that relevant information will be verified from independent or collateral sources and additional information obtained as necessary in order to assure that such benefits are only provided to eligible individuals (or eligible spouses) and that the amounts of such benefits are correct.

"(2) In case of the failure by any individual to submit a report of events and changes in circumstances relevant to eligibility for or amount of benefits under this title as required by the Secretary under paragraph (1), or delay by any individual in submitting a report as so required, the Secretary (in addition to taking any other action he may consider appropriate under paragraph (1)) shall reduce any benefits which may subsequently become payable to such individual under this title by—

Benefits, reduction.

"(A) $25 in the case of the first such failure or delay,

"(B) $50 in the case of the second such failure or delay, and

"(C) $100 in the case of the third or a subsequent such failure or delay,

except where the individual was without fault or good cause for such failure or delay existed.

"Furnishing of Information by Other Agencies

"(f) The head of any Federal agency shall provide such information as the Secretary needs for purposes of determining eligibility for or amount of benefits, or verifying other information with respect thereto.

"PENALTIES FOR FRAUD

"SEC. 1632. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit, or (B) the initial or continued right to any such benefit of any other individual in whose behalf he has applied for or is receiving such benefit, conceals or fails to disclose such event with an intent fraudulently to secure such benefit either in a greater amount or quantity than is due or when no such benefit is authorized, or

"(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"ADMINISTRATION

"SEC. 1633. The Secretary may make such administrative and other arrangements (including arrangements for the determination of blindness and disability under section 1614(a) (2) and (3) in the same manner and subject to the same conditions as provided with respect to disability determinations under section 221) as may be necessary or appropriate to carry out his functions under this title.

42 USC 421.

"DETERMINATIONS OF MEDICAID ELIGIBILITY

"SEC. 1634. The Secretary may enter into an agreement with any State which wishes to do so under which he will determine eligibility for medical assistance in the case of aged, blind, or disabled individuals under such State's plan approved under title XIX. Any such agreement shall provide for payments by the State, for use by the Secretary in carrying out the agreement, of an amount equal to one-half of the cost of carrying out the agreement, but in computing such cost with respect to individuals eligible for benefits under this title, the Secretary shall include only those costs which are additional to the costs incurred in carrying out this title."

42 USC 1396.

Effective date.

SEC. 302. The Social Security Act is amended, effective January 1, 1974, by adding after title V the following new title:

49 Stat. 620; 81 Stat. 921. 42 USC 1305.

"TITLE VI—GRANTS TO STATES FOR SERVICES TO THE AGED, BLIND, OR DISABLED

"APPROPRIATION

"SEC. 601. For the purpose of encouraging each State, as far as practicable under the conditions in such State, to furnish rehabilitation

and other services to help needy individuals who are 65 years of age or over, are blind, or are disabled to attain or retain capability for self-support or self-care, there is hereby authorized to be appropriated for each fiscal year, subject to section 1130, a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary of Health, Education, and Welfare, State plans for services to the aged, blind, or disabled.

Ante, p. 945.

"STATE PLANS FOR SERVICES TO THE AGED, BLIND, OR DISABLED

"SEC. 602. (a) A State plan for services to the aged, blind, or disabled, must—

"(1) except to the extent permitted by the Secretary, provide that it shall be in effect in all political subdivisions of the State, and if administered by them, be mandatory upon them;

"(2) provide for financial participation by the State;

"(3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan;

"(4) provide (A) such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Secretary to be necessary for the proper and efficient operation of the plan, and (B) for the training and effective use of paid subprofessional staff, with particular emphasis on the full-time or part-time employment of persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services under the plan and in assisting any advisory committees established by the State agency;

"(5) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"(6) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;

"(7) provide, if the plan includes services to individuals in private or public institutions, for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for such institutions;

"(8) provide a description of the services which the State agency makes available under the plan including a description of the steps taken to assure, in the provision of such services, maximum utilization of other agencies providing similar or related services;

"(9) provide that, in determining whether an individual is blind, there shall be an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

"(10) include reasonable standards, consistent with the objectives of this title, for determining eligibility for and the extent of services under the plan;

"(11) if the State plan includes services to individuals 65 years of age or older who are patients in institutions for mental diseases—

"(A) provide for having in effect such agreements or other arrangements with State authorities concerned with mental diseases, and where appropriate, with such institutions, as may be necessary for carrying out the State plan, including arrangements for joint planning and for development of alternate methods of care, arrangements providing assurance of immediate readmittance to institutions where needed for individuals under alternate plans of care, and arrangements providing for access to patients and facilities, for furnishing information, and for making reports;

"(B) provide for an individual plan for each such patient to assure that the institutional care provided to him is in his best interests, including, to that end, assurances that there will be initial and periodic review of his medical and other needs, that he will be given appropriate medical treatment within the institution, and that there will be a periodic determination of his need for continued treatment in the institution; and

"(C) provide for the development of alternate plans of care, making maximum utilization of available resources, for persons receiving services under the State plan who are 65 years of age or older and who would otherwise need care in such institutions; for services referred to in section 603(a)(1)(A) (i) and (ii) which are appropriate for such persons receiving services and for such patients; and for methods of administration necessary to assure that the responsibilities of the State agency under the State plan with respect to such persons receiving services and such patients will be effectively carried out;

"(12) if the State plan includes services to individuals 65 years of age or older who are patients in public institutions for mental diseases, show that the State is making satisfactory progress toward developing and implementing a comprehensive mental health program, including provision for utilization of community mental health centers, nursing homes, and other alternatives to care in public institutions for mental diseases.

Notwithstanding paragraph (3), if on October 1, 1972, the State agency which administered or supervised the administration of the plan of such State approved under title X (or so much of the plan of such State approved under title XVI as applies to the blind) was different from the State agency which administered or supervised the administration of the plan of such State approved under title I and the State agency which administered or supervised the administration of the plan of such State approved under title XIV (or so much of the plan of such State approved under title XVI as applies to the aged and disabled), the State agency which administered or supervised the administration of such plan approved under title X (or so much of the plan of such State approved under title XVI as applies to the blind) may be designated to administer or supervise the administration of the portion of the State plan for services to the aged, blind, or disabled which relates to blind individuals and a separate State agency may be established or designated to administer or supervise the administra-

42 USC 1201.

Ante, p. 1465.

42 USC 301.

42 USC 1351.

tion of the rest of such plan; and in such case the part of the plan which each such agency administers, or the administration of which each such agency supervises, shall be regarded as a separate plan for purposes of this title.

"(b) The Secretary shall approve any plan which fulfills the conditions specified in subsection (a), except that he shall not approve any plan which imposes, as a condition of eligibility for services under the plan—

"(1) an age requirement of more than sixty-five years; or

"(2) any residence requirement which excludes any individual who resides in the State; or

"(3) any citizenship requirement which excludes any citizen of the United States.

"PAYMENTS TO STATES

"SEC. 603. (a) From the sums appropriated therefor, the Secretary shall, subject to section 1130, pay to each State which has a plan approved under this title, for each quarter— *Ante*, p. 945.

"(1) in the case of any State whose State plan approved under section 602 meets the requirements of subsection (c)(1), an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for—

"(i) services which are prescribed pursuant to subsection (c)(1) and are provided (in accordance with the next sentence) to applicants for or recipients of supplementary security income benefits under title XVI *Ante*, p. 1465. to help them attain or retain capability for self-support or self-care, or

"(ii) other services, specified by the Secretary as likely to prevent or reduce dependency, so provided to such applicants or recipients, or

"(iii) any of the services prescribed pursuant to subsection (c)(1), and of the services specified as provided in clause (ii), which the Secretary may specify as appropriate for individuals who, within such period or periods as the Secretary may prescribe, have been or are likely to become applicants for or recipients of supplementary security income benefits under title XVI, if such services are requested by such individuals and are provided to such individuals in accordance with the next sentence, or

"(iv) the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of so much of such expenditures (not included under subparagraph (A)) as are for services provided (in accordance with the next sentence) to applicants for or recipients of supplementary security income benefits under title XVI, and to individuals requesting such services who (within such period or periods as the Secretary may prescribe) have been or are likely to become applicants for or recipients of such benefits; plus

"(C) one-half of the remainder of such expenditures.

The services referred to in subparagraphs (A) and (B) shall, except to the extent specified by the Secretary, include only—

"(D) services provided by the staff of the State agency, or of the local agency administering the State plan in the political subdivision: *Provided*, That no funds authorized under this title shall be available for services defined as vocational rehabilitation services under the Vocational Rehabilitation Act (i) which are available to individuals in need of them under programs for their rehabilitation carried on under a State plan approved under such Act, or (ii) which the State agency or agencies administering or supervising the administration of the State plan approved under such Act are able and willing to provide if reimbursed for the cost thereof pursuant to agreement under subparagraph (E), if provided by such staff, and

68 Stat. 652.
29 USC 31 note.

"(E) under conditions which shall be prescribed by the Secretary, services which in the judgment of the State agency cannot be as economically or as effectively provided by the staff of such State or local agency and are not otherwise reasonably available to individuals in need of them, and which are provided, pursuant to agreement with the State agency, by the State health authority or the State agency or agencies administering or supervising the administration of the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act or by any other State agency which the Secretary may determine to be appropriate (whether provided by its staff or by contract with public (local) or nonprofit private agencies);

except that services described in clause (ii) of subparagraph (D) hereof may be provided only pursuant to agreement with such State agency or agencies administering or supervising the administration of the State plan for vocational rehabilitation services so approved. The portion of the amount expended for administration of the State plan to which subparagraph (A) applies and the portion thereof to which subparagraphs (B) and (C) apply shall be determined in accordance with such methods and procedures as may be permitted by the Secretary; and

"(2) in the case of any State whose State plan approved under section 602 does not meet the requirements of subsection (c)(1), an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan, including services referred to in paragraph (1) and provided in accordance with the provisions of such paragraph.

"(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.

"(c)(1) In order for a State to qualify for payments under paragraph (1) of subsection (a), its State plan approved under section 602 must provide that the State agency shall make available to applicants for and recipients of supplementary security income benefits under title XVI at least those services to help them attain or retain capability for self-support or self-care which are prescribed by the Secretary.

Ante, p. 1465.

"(2) In the case of any State whose State plan included a provision meeting the requirements of paragraph (1), but with respect to which the Secretary finds, after reasonable notice and opportunity for hearing to the State agency, administering or supervising the administration of such plan, that—

"(A) the provision has been so changed that it no longer complies with the requirements of paragraph (1), or

"(B) in the administration of the plan there is a failure to comply substantially with such provision,

the Secretary shall notify such State agency that further payments will not be made to the State under paragraph (1) of subsection (a) until he is satisfied that there will no longer be any such failure to comply. Until the Secretary is so satisfied further payments with respect to the administration of such State plan shall not be made under paragraph (1) of subsection (a) but shall instead be made, subject to the other provisions of this title, under paragraph (2) of such subsection.

"(d) Notwithstanding the preceding provisions of this section, the amount determined under such provisions for any State for any quarter which is attributable to expenditures with respect to individuals 65 years of age or older who are patients in institutions for mental diseases shall be paid only to the extent that the State makes a showing satisfactory to the Secretary that total expenditures in the State from Federal, State, and local sources for mental health services (including payments to or in behalf of individuals with mental health problems) under State and local public health and public welfare programs for such quarter exceed the average of the total expenditures in the State from such sources for such services under such programs for each quarter of the fiscal year ending June 30, 1965. For purposes of this subsection, expenditures for such services for each quarter in the fiscal year ending June 30, 1965, in the case of any State shall be determined on the basis of the latest data, satisfactory to the Secretary, available to him at the time of the first determination by him under this subsection for such State; and expenditures for such services for any quarter beginning after December 31, 1965, in the case of any State shall be determined on the basis of the latest data, satisfactory to the Secretary, available to him at the time of the determination under this subsection for such State for such quarter; and determinations so made shall be conclusive for purposes of this subsection.

"OPERATION OF STATE PLANS

"SEC. 604. If the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this title, finds—

"(1) that the plan no longer complies with the provisions of section 602; or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provision;

the Secretary shall notify such State agency that further payments will not be made to the State (or, in his discretion, that payments will be limited to categories under or parts of the State plan not affected by such failure), until the Secretary is satisfied that there will no longer be any such failure to comply. Until he is so satisfied he shall make no further payments to such State (or shall limit payments to categories under or parts of the State plan not affected by such failure).

"DEFINITION

"SEC. 605. For purposes of this title, the term 'services to the aged, blind, or disabled' means services (including but not limited to the services referred to in section 603(a)(1) (A) and (B)) provided for or on behalf of needy individuals who are 65 years of age or older or are blind, or are disabled."

REPEAL OF TITLES I, X, AND XIV OF THE SOCIAL SECURITY ACT

Effective date.
42 USC 301, 1201, 1351.

SEC. 303. (a) Effective January 1, 1974, titles I, X, and XIV of the Social Security Act are repealed.

(b) The amendments made by sections 301 and 302 and the repeals made by subsection (a) shall not be applicable in the case of Puerto Rico, Guam, and the Virgin Islands.

64 Stat. 47.
25 USC 639.

(c) Section 9 of the Act of April 19, 1950, is repealed effective January 1, 1974.

PROVISION FOR DISREGARDING OF CERTAIN INCOME IN DETERMINING NEED FOR AID TO THE AGED, BLIND, OR DISABLED FOR ASSISTANCE

Effective date.
84 Stat. 2038; 85 Stat. 810.
42 USC 415 note.

SEC. 304. Effective upon the enactment of this Act, section 1007 of the Social Security Amendments of 1969 is amended by striking out "and before January 1973" and inserting in lieu thereof "and before January 1974".

ADVANCES FROM OASI TRUST FUND FOR ADMINISTRATIVE EXPENSES

79 Stat. 338.
42 USC 401.

SEC. 305. (a) Section 201(g)(1)(A) of the Social Security Act is amended—

Ante, p. 1465.
42 USC 1395.

(1) by striking out "this title and title XVIII" wherever it appears and inserting in lieu thereof "this title, title XVI, and title XVIII";

(2) by striking out "costs which should be borne by each of the Trust Funds" and inserting in lieu thereof "costs which should be borne by each of the Trust Funds and (with respect to title XVI) by the general revenues of the United States"; and

(3) by striking out "in order to assure that each of the Trust Funds bears" and inserting in lieu thereof "in order to assure that (after appropriations made pursuant to section 1601, and repayment to the Trust Funds from amounts so appropriated)

each of the Trust Funds and the general revenues of the United States bears".

(b)(1) Sums appropriated pursuant to section 1601 of the Social Security Act shall be utilized from time to time, in amounts certified under the second sentence of section 201(g)(1)(A) of such Act, to repay the Trust Funds for expenditures made from such Funds in any fiscal year under section 201(g)(1)(A) of such Act (as amended by subsection (a) of this section) on account of the costs of administration of title XVI of such Act (as added by section 301 of this Act). *Ante*, p. 1465. *Ante*, p. 1484.

(2) If the Trust Funds have not theretofore been repaid for expenditures made in any fiscal year (as described in paragraph (1)) to the extent necessary on account of—

(A) expenditures made from such Funds prior to the end of such fiscal year to the extent that the amount of such expenditures exceeded the amount of the expenditures which would have been made from such Funds if subsection (a) had not been enacted,

(B) the additional administrative expenses, if any, resulting from the excess expenditures described in subparagraph (A), and

(C) any loss in interest to such Funds resulting from such excess expenditures and such administrative expenses,

in order to place each such Fund in the same position (at the end of such fiscal year) as it would have been in if such excess expenditures had not been made, the amendments made by subsection (a) shall cease to be effective at the close of the fiscal year following such fiscal year.

(3) As used in this subsection, the term "Trust Funds" has the meaning given it in section 201(g)(1)(A) of the Social Security Act.

(c) The provisions of this section shall become effective on the date of enactment of this Act. Effective date.

DISREGARDING OF INCOME OF OASDI RECIPIENTS IN DETERMINING NEED FOR PUBLIC ASSISTANCE

SEC. 306. In addition to the requirements imposed by law as a condition of approval of a State plan to provide aid or assistance in the form of money payments to individuals under title I, X, XIV, or XVI of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual receiving aid or assistance for any month after October 1972, or, at the option of the State, September 1972, and before January 1974 who also receives in such month a monthly insurance benefit under title II of such Act which was increased as a result of the enactment of Public Law 92-336, the sum of the aid or assistance received by him for such month, plus the monthly insurance benefit received by him in such month (not including any part of such benefit which is disregarded under such plan), shall exceed the sum of the aid or assistance which would have been received by him for such month under such plan as in effect for October 1972, plus the monthly insurance benefit which would have been received by him in such month, by an amount equal to $4 or (if less) to such increase in his monthly insurance benefit under such title II (whether such excess is brought about by disregarding a portion of such monthly insurance benefit or otherwise). 42 USC 301, 1201, 1351. *Ante*, p. 1465. 42 USC 401. *Ante*, p. 406.

TITLE IV—MISCELLANEOUS

LIMITATION ON FISCAL LIABILITY OF STATES FOR OPTIONAL STATE SUPPLEMENTATION

SEC. 401. (a)(1) The amount payable to the Secretary by a State for any fiscal year pursuant to its agreement or agreements under

Ante, p. 1474.

section 1616 of the Social Security Act shall not exceed the non-Federal share of expenditures as aid or assistance for quarters in the calendar year 1972 under the plans of the State approved under titles I, X, XIV, and XVI of the Social Security Act (as defined in subsection (c) of this section).

42 USC 301, 1201, 1351.

Ante, p. 1465.

(2) Paragraph (1) of this subsection shall only apply with respect to that portion of the supplementary payments made by the Secretary on behalf of the State under such agreements in any fiscal year which does not exceed in the case of any individual the difference between—

(A) the adjusted payment level under the appropriate approved plan of such State as in effect for January 1972 (as defined in subsection (b) of this section), and

(B) the benefits under title XVI of the Social Security Act, plus income not excluded under section 1612(b) of such Act in determining such benefits, paid to such individual in such fiscal year,

and shall not apply with respect to supplementary payments to any individual who (i) is not required by section 1616 of such Act to be included in any such agreement administered by the Secretary and (ii) would have been ineligible (for reasons other than income) for payments under the appropriate approved State plan as in effect for January 1972.

Definitions.

(b) (1) For purposes of subsection (a), the term "adjusted payment level under the appropriate approved plan of a State as in effect for January 1972" means the amount of the money payment which an individual with no other income would have received under the plan of such State approved under title I, X, XIV, or XVI of the Social Security Act, as may be appropriate, and in effect for January 1972; except that the State may, at its option, increase such payment level with respect to any such plan by an amount which does not exceed the sum of—

(A) a payment level modification (as defined in paragraph (2) of this subsection) with respect to such plan, and

(B) the bonus value of food stamps in such State for January 1972 (as defined in paragraph (3) of this subsection).

(2) For purposes of paragraph (1), the term "payment level modification" with respect to any State plan means that amount by which a State which for January 1972 made money payments under such plan to individuals with no other income which were less than 100 per centum of its standard of need could have increased such money payments without increasing (if it reduced its standard of need under such plan so that such increased money payments equaled 100 per centum of such standard of need) the non-Federal share of expenditures as aid or assistance for quarters in calendar year 1972 under the plans of such State approved under titles I, X, XIV, and XVI of the Social Security Act.

(3) For purposes of paragraph (1), the term "bonus value of food stamps in a State for January 1972" (with respect to an individual) means—

(A) the face value of the coupon allotment which would have been provided to such an individual under the Food Stamp Act of 1964 for January 1972, reduced by

(B) the charge which such an individual would have paid for such coupon allotment,

if the income of such individual, for purposes of determining the charge it would have paid for its coupon allotment, had been equal to the adjusted payment level under the State plan (including any

payment level modification with respect to the plan adopted pursuant to paragraph (2) (but not including any amount under this paragraph)). The total face value of food stamps and the cost thereof in January 1972 shall be determined in accordance with rules prescribed by the Secretary of Agriculture in effect in such month.

Definition.

(c) For purposes of this section, the term "non-Federal share of expenditures as aid or assistance for quarters in the calendar year 1972 under the plans of a State approved under titles I, X, XIV, and XVI of the Social Security Act" means the difference between—

42 USC 301, 1201, 1351.
Ante, p. 1465.

(1) the total expenditures in such quarters under such plans for aid or assistance (expenditures authorized under section 1119 of such Act for repairing the home of an individual who was receiving aid or assistance under one of such plans (as such section was in effect prior to the enactment of this Act)), and

81 Stat. 894.
42 USC 1319.

(2) the total of the amounts determined under sections 3, 1003, 1403, and 1603 of the Social Security Act, under section 1118 of such Act, and under section 9 of the Act of April 19, 1950, for such State with respect to such expenditures in such quarters.

42 USC 303, 1203, 1353, 1383.
79 Stat. 423.
42 USC 1318.
Ante, p. 1484.

TRANSITIONAL ADMINISTRATIVE PROVISIONS

SEC. 402. In order for a State to be eligible for any payments pursuant to title IV, V, XVI, or XIX of the Social Security Act with respect to expenditures for any quarter in the fiscal year ending June 30, 1975, and for the purpose of providing an orderly transition from State to Federal administration of the Supplemental Security Income Program, such State shall enter into an agreement with the Secretary of Health, Education, and Welfare under which the State agencies responsible for administering or for supervising the administration of the plans approved under titles I, X, XIV, and XVI of the Social Security Act will, on behalf of the Secretary, administer all or such part or parts of the program established by section 301 of this Act, during such portion of the fiscal year ending June 30, 1975, as may be provided in such agreement.

42 USC 601, 701, 1396.

SAVINGS PROVISION REGARDING CERTAIN EXPENDITURES FOR SOCIAL SERVICES

SEC. 403. In the administration of section 1130 of the Social Security Act, the allotment of each State (as determined under subsection (b) of such section) for the fiscal year ending June 30, 1973, shall (notwithstanding any provision of such section 1130) be adjusted so that the amount of such allotment for such year consists of the sum of the following:

Ante, p. 945.

(1) the amount, not to exceed $50,000,000, payable to the State (as determined without regard to such section 1130) with respect to the total expenditures incurred by the State for services (of the type, and under the programs to which the allotment, as determined under such subsection (b), is applicable) for the calendar quarter commencing July 1, 1972, plus

(2) an amount equal to three-fourths of the amount of the allotment of such State (as determined under such subsection (b), but without application of the provisions of this section):

Provided, however, That no State shall receive less under this section than the amount to which it would have been entitled otherwise under section 1130 of the Social Security Act.

CHANGE IN EXECUTIVE SCHEDULE—COMMISSIONER OF SOCIAL SECURITY

80 Stat. 463.

SEC. 404. (a) Section 5316 of title 5, United States Code (relating to positions at level V of the Executive Schedule), is amended by striking out:

"(51) Commissioner of Social Security, Department of Health, Education, and Welfare.".

Ante, p. 149.

(b) Section 5315 of title 5, United States Code (relating to positions at level IV of the Executive Schedule), is amended by adding at the end thereof the following:

"(97) Commissioner of Social Security, Department of Health, Education, and Welfare.".

Effective date.

(c) The amendments made by the preceding provisions of this section shall take effect on the first day of the first pay period of the Commissioner of Social Security, Department of Health, Education, and Welfare, which commences on or after the first day of the month which follows the month in which this Act is enacted.

SEPARATION OF SOCIAL SERVICES NOT REQUIRED

42 USC 302.

SEC. 405. (a) Section 2(a)(10)(C) of the Social Security Act is amended by inserting "(using whatever internal organizational arrangement it finds appropriate for this purpose)" immediately after "provide a description of the services (if any) which the State agency makes available".

42 USC 1202.

(b) Section 1002(a)(13) of such Act is amended by inserting "(using whatever internal organizational arrangement it finds appropriate for this purpose)" immediately after "provide a description of the services (if any) which the State agency makes available".

42 USC 1352.

(c) Section 1402(a)(12) of such Act is amended by inserting "(using whatever internal organizational arrangement it finds appropriate for this purpose)" immediately after "provide a description of the services (if any) which the State agency makes available".

42 USC 1382.

(d) Section 1602(a)(10) of such Act is amended by inserting "(using whatever internal organizational arrangement it finds appropriate for this purpose)" immediately after "provide a description of the services (if any) which the State agency makes available".

MANUALS AND POLICY ISSUANCES NOT REQUIRED WITHOUT CHARGE

SEC. 406. (a) Section 2(b) of the Social Security Act is amended by adding at the end thereof the following new sentence: "At the option of the State, the plan may provide that manuals and other policy issuances will be furnished to persons without charge for the reasonable cost of such materials, but such provision shall not be required by the Secretary as a condition for the approval of such plan under this title."

(b) Section 1002(b) of such Act is amended by adding immediately after the first sentence thereof the following new sentence: "At the option of the State, the plan may provide that manuals and other policy issuances will be furnished to persons without charge for the reasonable cost of such materials, but such provision shall not be required by the Secretary as a condition for the approval of such plan under this title."

(c) Section 1402(b) of such Act is amended by adding at the end thereof the following new sentence: "At the option of the State, the plan may provide that manuals and other policy issuances will be furnished to persons without charge for the reasonable cost of such

materials, but such provision shall not be required by the Secretary as a condition for the approval of such plan under this title."

(d) Section 1602(b) of such Act is amended by adding immediately after the first sentence thereof the following new sentence: "At the option of the State, the plan may provide that manuals and other policy issuances will be furnished to persons without charge for the reasonable cost of such materials, but such provision shall not be required by the Secretary as a condition for the approval of such plan under this title." 42 USC 1382.

EFFECTIVE DATE OF FAIR HEARING DECISION

SEC. 407. (a) Section 2(a)(4) is amended by— 42 USC 302.

(1) deleting "provide" and inserting in lieu thereof "provide (A)", and

(2) inserting immediately before the semicolon at the end thereof the following: ", and (B) that if the State plan is administered in each of the political subdivisions of the State by a local agency and such local agency provides a hearing at which evidence may be presented prior to a hearing before the State agency, such local agency may put into effect immediately upon issuance its decision upon the matter considered at such hearing".

(b) Section 1002(a)(4) is amended by— 42 USC 1202.

(1) deleting "provide" and inserting in lieu thereof "provide (A)", and

(2) inserting immediately before the semicolon at the end thereof the following: ", and (B) that if the State plan is administered in each of the political subdivisions of the State by a local agency and such local agency provides a hearing at which evidence may be presented prior to a hearing before the State agency, such local agency may put into effect immediately upon issuance its decision upon the matter considered at such hearing".

(c) Section 1402(a)(4) is amended by— 42 USC 1352.

(1) deleting "provide" and inserting in lieu thereof "provide (A)", and

(2) inserting immediately before the semicolon at the end thereof the following: ", and (B) that if the State plan is administered in each of the political subdivisions of the State by a local agency and such local agency provides a hearing at which evidence may be presented prior to a hearing before the State agency, such local agency may put into effect immediately upon issuance its decision upon the matter considered at such hearing".

(d) Section 1602(a)(4) is amended by—

(1) deleting "provide" and inserting in lieu thereof "provide (A)", and

(2) inserting immediately before the semicolon at the end thereof the following: ", and (B) that if the State plan is administered in each of the political subdivisions of the State by a local agency and such local agency provides a hearing at which evidence may be presented prior to a hearing before the State agency, such local agency may put into effect immediately upon issuance its decision upon the matter considered at such hearing".

ABSENCE FROM STATE FOR MORE THAN 90 DAYS

SEC. 408. (a) Section 6(a) of the Social Security Act is amended by adding at the end thereof the following new sentence: "At the option of a State (if its plan approved under this title so provides), 42 USC 306.

such term need not include money payments to an individual who has been absent from such State for a period in excess of 90 consecutive days (regardless of whether he has maintained his residence in such State during such period) until he has been present in such State for 30 consecutive days in the case of such an individual who has maintained his residence in such State during such period or 90 consecutive days in the case of any other such individual."

42 USC 1206.

(b) Section 1006 of such Act is amended by adding at the end thereof the following new sentence: "At the option of a State (if its plan approved under this title so provides), such term need not include money payments to an individual who has been absent from such State for a period in excess of 90 consecutive days (regardless of whether he has maintained his residence in such State during such period) until he has been present in such State for 30 consecutive days in the case of such an individual who has maintained his residence in such State during such period or 90 consecutive days in the case of any other such individual."

42 USC 1355.

(c) Section 1405 of such Act is amended by adding at the end thereof the following new sentence: "At the option of a State (if its plan approved under this title so provides), such term need not include money payments to an individual who has been absent from such State for a period in excess of ninety consecutive days (regardless of whether he has maintained his residence in such State during such period) until he has been present in such State for thirty consecutive days in the case of such an individual who has maintained his residence in such State during such period or ninety consecutive days in the case of any other such individual."

42 USC 1385.

(d) Section 1605(a) of such Act is amended by adding at the end thereof the following new sentence: "At the option of a State (if its plan approved under this title so provides), such term need not include money payments to an individual who has been absent from such State for a period in excess of ninety consecutive days (regardless of whether he has maintained his residence in such State during such period) until he has been present in such State for thirty consecutive days in the case of such an individual who has maintained his residence in such State during such period or ninety consecutive days in the case of any other such individual."

RENT PAYMENTS TO PUBLIC HOUSING AGENCY

Ante, p. 1489.

SEC. 409. (a) Section 6(a) of the Social Security Act (as amended by section 554(a) of this Act) is further amended by—

(1) striking out "such term" in the last sentence thereof and inserting in lieu thereof "such term (i)", and

(2) adding immediately before the period at the end of such sentence the following: ", and (ii) may include rent payments made directly to a public housing agency on behalf of a recipient or a group or groups of recipients of assistance under such plan".

Supra.

(b) Section 1006 of such Act (as amended by section 554(b) of this Act) is further amended by—

(1) striking out "such term" in the last sentence thereof and inserting in lieu thereof "such term (i)", and

(2) adding immediately before the period at the end of such sentence the following: ", and (ii) may include rent payments made directly to a public housing agency on behalf of a recipient or a group or groups of recipients of aid under such plan".

(c) Section 1405 of such Act (as amended by section 554(c) of this Act) is further amended by— *Ante*, p. 1490.

(1) striking out "such term" in the last sentence thereof and inserting in lieu thereof "such term (i)", and

(2) adding immediately before the period at the end of such sentence the following: ", and (ii) may include rent payments made directly to a public housing agency on behalf of a recipient or a group or groups of recipients of aid under such plan".

(d) Section 1605(a) of such Act (as amended by section 554(d) of this Act) is further amended by—

(1) striking out "such term" in the last sentence thereof and inserting in lieu thereof "such term (i)", and

(2) adding immediately before the period at the end of such sentence the following: ", and (ii) may include rent payments made directly to a public housing agency on behalf of a recipient or a group or groups of recipients of aid under such plan".

STATEWIDENESS NOT REQUIRED FOR SERVICES

SEC. 410. (a) Section 2(a) of the Social Security Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of paragraph (1). 42 USC 302.

(b) Section 1002(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of clause (1). 42 USC 1202.

(c) Section 1402(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of clause (1). 42 USC 1352.

(d) Section 1602(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of paragraph (1). 42 USC 1382.

PROHIBITION AGAINST PARTICIPATION IN FOOD STAMP OR SURPLUS COMMODITIES PROGRAM BY PERSONS ELIGIBLE TO PARTICIPATE IN EMPLOYMENT OR ASSISTANCE PROGRAMS

SEC. 411. (a) Effective January 1, 1974, section 3(e) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new sentence: "No person who is eligible (or upon application would be eligible) to receive supplemental security income benefits under title XVI of such Act shall be considered to be a member of a household or an elderly person for purposes of this Act." Effective date. 84 Stat. 2048. 7 USC 2012.

(b) Section 3(h) of such Act is amended to read as follows: 78 Stat. 703.

"(h) The term 'State agency', with respect to any State, means the agency of State government which is designated by the Secretary for purposes of carrying out this Act in such State."

(c) Section 10(c) of such Act is amended by striking out the first sentence. 84 Stat. 2051. 7 USC 2019.

(d) Clause (2) of the second sentence of section 10(e) of such Act is amended by striking out "used by them in the certification of applicants for benefits under the federally aided public assistance programs" and inserting in lieu thereof the following: "prescribed by the Secretary in the regulations issued pursuant to this Act".

(e) Section 10(e) of such Act is further amended by striking out the third sentence.

84 Stat. 2052.
7 USC 2023.

(f) Section 14 of such Act is amended by striking out subsection (e).

68 Stat. 458; 84 Stat. 199.
7 USC 1431.

(g) Effective January 1, 1974, section 416 of the Act of October 31, 1949, is amended by adding at the end thereof the following new sentence: "No person who is eligible (or upon application would be eligible) to receive supplemental security income under title XVI of such Act shall be eligible to participate in any program conducted under this section (other than nonprofit child feeding programs or programs under which commodities are distributed on an emergency or temporary basis and eligibility for participation therein is not based upon the income or resources of the individual or family)."

Effective date.

(h) Except as otherwise provided in this section, the amendments made by this section shall take effect on January 1, 1973.

CHILD WELFARE SERVICES

Effective date.
42 USC 620.

SEC. 412. Effective with respect to fiscal years beginning after June 30, 1972, section 420 of the Social Security Act is amended by striking out "$55,000,000 for the fiscal year ending June 30, 1968, $100,000,000 for the fiscal year ending June 30, 1969, and $110,000,000 for each fiscal year thereafter" and inserting in lieu thereof "$196,000,000 for the fiscal year ending June 30, 1973, $211,000,000 for the fiscal year ending June 30, 1974, $226,000,000 for the fiscal year ending June 30, 1975, $246,000,000 for the fiscal year ending June 30, 1976, and $266,000,000 for each fiscal year thereafter".

SAFEGUARDING INFORMATION

42 USC 302.

SEC. 413. (a) Section 2(a)(7) of the Social Security Act is amended to read as follows:

"(7) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;".

42 USC 1202.

(b) Section 1002(a)(9) of such Act is amended to read as follows:

"(9) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;".

42 USC 1352.

(c) Section 1402(a)(9) of such Act is amended to read as follows:

"(9) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;".

42 USC 1382.

(d) Section 1602(a)(7) of such Act is amended to read as follows:

"(7) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;".

RECIPIENTS OF ASSISTANCE FOR THE AGED, BLIND, AND DISABLED INELIGIBLE

42 USC 602.

SEC. 414. (a) Section 402(a) of the Social Security Act is amended (1) by striking out the period at the end thereof and inserting in lieu

of such period "; and", and (2) by adding at the end thereof the following new clause: "(24) if an individual is receiving benefits under title XVI, then, for the period for which such benefits are received, such individual shall not be regarded as a member of a family for purposes of determining the amount of the benefits of the family under this title and his income and resources shall not be counted as income and resources of a family under this title."

Ante, p. 1465.

(b) The amendments made by subsection (a) shall be effective on and after January 1, 1973.

Effective date.

Approved October 30, 1972.

Public Law 92-604

AN ACT

To authorize appropriations to carry out jellyfish control programs until the close of fiscal year 1977.

October 31, 1972
[H. R. 16074]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States, and for other purposes", approved November 2, 1966 (16 U.S.C. 1203), is amended by striking out "and" after "June 30, 1969,"; and by striking out the period at the end thereof and inserting in lieu thereof the following: ", and $400,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977.".

Jellyfish control.
Appropriation.

80 Stat. 1149;
84 Stat. 922.

Approved October 31, 1972.

Public Law 92-605

AN ACT

To declare a portion of the Delaware River in Philadelphia County, Pennsylvania, nonnavigable.

October 31, 1972
[S. 1971]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That portion of the Delaware River in Philadelphia County, Commonwealth of Pennsylvania, lying between all that certain lot or piece of ground situate in the second and fifth wards of the city of Philadelphia described as follows:

Delaware River, Pa.
Nonnavigable portion, declaration.

Beginning at a point on the easterly side of Delaware Avenue (variable width) said side being the bulkhead line of the Delaware River (approved by the Secretary of War on September 10, 1940), at the distance of 1,833.652 feet from an angle point on the easterly side of said Delaware Avenue south of Washington Avenue;

thence extending along the easterly side of said Delaware Avenue the following courses and distances, (1) north 0 degree 45 minutes 33.2 seconds west 2,524.698 feet to a point; (2) north 9 degrees 36 minutes 25 seconds east, 2,168.160 feet to a point; (3) north 13 degrees 26 minutes 45.8 seconds east, 2,039.270 feet to a point; (4) north 20 degrees 12 minutes 52.4 seconds east, 35.180 feet to an angle point in Delaware Avenue;

thence continuing north 20 degrees 12 minutes 52.4 seconds east along the said bulkhead line, the distance of 574.970 feet to a point on the south house line of Callowhill Street produced;

thence extending along the south house line of Callowhill

Street produced south 80 degrees 47 minutes 30.6 seconds east, the distance of 523.908 feet to a point on the pierhead line of the Delaware River (approved by the Secretary of War on September 10, 1940);

thence extending along the said pierhead line the following courses and distances, (1) south 17 degrees 52 minutes 48.5 seconds west, 605.262 feet to a point; (2) south 14 degrees 14 minutes 14.7 seconds west, 1,372.530 feet to a point; (3) south 10 degrees 37 minutes 35.3 seconds west, 1,252.160 feet to a point; (4) south 8 degrees 23 minutes 50.4 seconds west, 1,450.250 feet to a point; (5) south 2 degrees 22 minutes 45.9 seconds west, 1,221.670 feet to a point; (6) south 1 degree 4 minutes 36 seconds east, 1,468.775 feet to a point on the north house line of Catherine Street extended, thence extending north 76 degrees 56 minutes 29.2 seconds west, the distance of 555.911 feet to the first mentioned point and place of beginning is hereby declared not to be a navigable water of the United States within the meaning of the Constitution and laws of the United States, and the consent of Congress is hereby given, for the filling or erection of permanent structures in all or any part of the described area.

USC prec. title 1.

SEC. 2. This declaration shall apply only to portions of the above-described area which are filled or occupied by permanent structures. No such filling or erection of structures in the above-described area shall be commenced until the plans therefor have been approved by the Secretary of the Army who shall, prior to granting such approval, give consideration to all factors affecting the general public interest and the impact of the proposed work on the environment.

Approved October 31, 1972.

Public Law 92-606

October 31, 1972
[H. R. 14628]

AN ACT

To amend the Internal Revenue Code of 1954 with respect to the tax laws applicable to Guam, and for other purposes.

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

United States and Guam. Income taxes, coordination.

SECTION 1. COORDINATION OF UNITED STATES AND GUAM INDIVIDUAL INCOME TAXES.

68A Stat. 291; 74 Stat. 998. 26 USC 931.

(a) IN GENERAL.—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1954 (relating to possessions of the United States) is amended by adding at the end thereof the following new section:

"SEC. 935. COORDINATION OF UNITED STATES AND GUAM INDIVIDUAL INCOME TAXES.

"(a) APPLICATION OF SECTION.—This section shall apply to any individual for the taxable year who—

"(1) is a resident of Guam,

"(2) is a citizen of Guam but not otherwise a citizen of the United States,

"(3) has income derived from Guam for the taxable year and is a citizen or resident of the United States, or

"(4) files a joint return for the taxable year with an individual who satisfies paragraph (1), (2), or (3) for the taxable year.

"(b) FILING REQUIREMENT.—

"(1) IN GENERAL.—Each individual to whom this section

applies for the taxable year shall file his income tax return for the taxable year—

"(A) with the United States, if he is a resident of the United States,

"(B) with Guam, if he is a resident of Guam, and

"(C) if neither subparagraph (A) nor subparagraph (B) applies—

"(i) with Guam, if he is a citizen of Guam but not otherwise a citizen of the United States, or

"(ii) with the United States, if clause (i) does not apply.

"(2) DETERMINATION DATE.—For purposes of this section, determinations of residence and citizenship for the taxable year shall be made as of the close of the taxable year.

"(3) SPECIAL RULE FOR JOINT RETURNS.—In the case of a joint return, this subsection shall be applied on the basis of the residence and citizenship of the spouse who has the greater adjusted gross income (determined without regard to community property laws) for the taxable year.

"(c) EXTENT OF INCOME TAX LIABILITY.—In the case of any individual to whom this section applies for the taxable year—

"(1) for purposes of so much of this title (other than this section and section 7654) as relates to the taxes imposed by this chapter, the United States shall be treated as including Guam, *Infra.*

"(2) for purposes of the Guam territorial income tax, Guam shall be treated as including the United States, and

"(3) such individual is hereby relieved of liability for income tax for such year to the jurisdiction (the United States or Guam) other than the jurisdiction with which he is required to file under subsection (b).

"(d) SPECIAL RULES FOR ESTIMATED INCOME TAX.—If there is reason to believe that this section will apply to an individual for the taxable year, then—

"(1) he shall file any declaration of estimated income tax (and all amendments thereto) with the jurisdiction with which he would be required to file a return for such year under subsection (b) if his taxable year closed on the date he is required to file such declaration,

"(2) he is hereby relieved of any liability to file a declaration of estimated income tax (and amendments thereto) for such taxable year to the other jurisdiction, and

"(3) his liability for underpayments of estimated income tax shall be to the jurisdiction with which he is required to file his return for the taxable year (determined under subsection (b))."

(b) ADMINISTRATION.—Section 7654 of the Internal Revenue Code of 1954 (relating to payment to Guam and American Samoa of proceeds of tax on coconut and other vegetable oils) is amended to read as follows: 68A Stat. 909. 26 USC 7654.

"SEC. 7654. COORDINATION OF UNITED STATES AND GUAM INDIVIDUAL INCOME TAXES.

"(a) GENERAL RULE.—The net collections of the income taxes imposed for each taxable year with respect to any individual to whom this subsection applies for such year shall be divided between the United States and Guam according to the following rules:

"(1) net collections attributable to United States source income shall be covered into the Treasury of the United States;

"(2) net collections attributable to Guam source income shall be covered into the treasury of Guam; and

"(3) all other net collections of such taxes shall be covered into

the treasury of the jurisdiction (either the United States or Guam) with which such individual is required by section 935(b) to file his return for such year.

Ante, p. 1494.

This subsection applies to an individual for a taxable year if section 935 applies to such individual for such year and if such individual has (or, in the case of a joint return, such individual and his spouse have (A) adjusted gross income of $50,000 or more and (B) gross income of $5,000 or more derived from sources within the jurisdiction (either the United States or Guam) with which the individual is not required under section 935(b) to file his return for the year.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) NET COLLECTIONS.—In determining net collections for a taxable year, appropriate adjustment shall be made for credits allowed against the tax liability for such year and refunds made of income taxes for such year.

"Income taxes."

"(2) INCOME TAXES.—The term 'income taxes' means—

"(A) with respect to taxes imposed by the United States, the taxes imposed by chapter 1, and

"(B) with respect to Guam, the Guam territorial income tax.

"(3) SOURCE.—The determination of the source of income shall be based on the principles contained in part I of subchapter N of chapter 1 (section 861 and following).

26 USC 861 *et seq.*

"(c) TRANSFERS.—The transfers of funds between the United States and Guam required by this section shall be made not less frequently than annually.

"(d) MILITARY PERSONNEL IN GUAM.—In addition to any amount determined under subsection (a), the United States shall pay to Guam at such times and in such manner as determined by the Secretary or his delegate the amount of the taxes deducted and withheld by the United States under chapter 24 with respect to compensation paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such compensation by reason of the Soldiers and Sailors Civil Relief Act (50 App. U.S.C., sec. 501 et seq.).

26 USC 3401 *et seq.*

54 Stat. 1178.

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 935, including (but not limited to)—

Ante, p. 1494.

"(1) such regulations as are necessary to insure that the provisions of this title, as made applicable in Guam by section 31 of the Organic Act of Guam, apply in a manner which is consistent with this section and section 935, and

72 Stat. 681. 48 USC 1421i.

"(2) regulations prescribing the information which the individuals to whom section 935 may apply shall furnish to the Secretary or his delegate."

(c) CIVIL PENALTY FOR FAILURE TO FURNISH INFORMATION.—Subchapter B of chapter 68 of the Internal Revenue Code of 1954 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

68A Stat. 828; 85 Stat. 551. 26 USC 6671.

"SEC. 6687. ASSESSABLE PENALTIES WITH RESPECT TO INFORMATION REQUIRED TO BE FURNISHED UNDER SECTION 7654.

"In addition to any criminal penalty provided by law, any person described in section 7654(a) who is required by regulations prescribed under section 7654 to furnish information and who fails to comply with such requirement at the time prescribed by such regulations unless it is shown that such failure is due to reasonable cause and not

Ante, p. 1495.

to willful neglect, shall pay (upon notice and demand by the Secretary or his delegate and in the same manner as tax) a penalty of $100 for each such failure."

(d) AMENDMENT OF SECTION 31(d) OF THE ORGANIC ACT OF GUAM.—The second sentence of section 31(d)(2) of the Organic Act of Guam (48 U.S.C. 1421i) is amended by inserting "not inconsistent with the regulations prescribed under section 7654(e) of the Internal Revenue Code of 1954" and "Needful rules and regulations". 72 Stat. 681.

Ante, p. 1495.

(e) CORPORATE INCOME TAXES.—

(1) Section 881 of the Internal Revenue Code of 1954 (relating to tax on income of foreign corporations not connected with United States business) is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection: 80 Stat. 1555. 26 USC 881.

"(b) EXCEPTION FOR GUAM CORPORATIONS.—For purposes of this section, the term 'foreign corporation' does not include a corporation created or organized in Guam or under the law of Guam." "Foreign corporation."

(2) Section 1442 of such Code (relating to the withholding of tax on foreign corporations) is amended by adding at the end thereof the following new subsection: 80 Stat. 1557.

"(c) EXCEPTION FOR GUAM CORPORATIONS.—For purposes of this section, the term 'foreign corporation' does not include a corporation created or organized in Guam or under the law of Guam." "Foreign corporation."

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 931(c) of the Internal Revenue Code of 1954 (relating to income from sources within possessions of the United States) is amended by inserting "or Guam" after "Puerto Rico". 68A Stat. 291.

(2) The second sentence of section 932(a) of such Code (relating to citizens of possessions of the United States) is amended by inserting "or Guam" after "Puerto Rico".

(3) Subsection (c) of section 932 of such Code is amended to read as follows:

"(c) GUAM.—

"For provisions relating to the individual income tax in the case of Guam, see sections 935 and 7654; see also sections 30 and 31 of the Act of August 1, 1950 (48 U.S.C., secs. 1421h and 1421i)."

(4) Section 7701(a)(12)(B) of such Code (relating to performance of certain functions in Guam or American Samoa) is amended by striking out "chapters 2" and inserting in lieu thereof "chapters 1, 2,". 74 Stat. 941.

(5) The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end thereof the following:

"Sec. 935. Coordination of United States and Guam individual income taxes.".

(6) The table of sections for subchapter D of chapter 78 of such Code, is amended by striking out the item relating to section 7654 and inserting in lieu thereof:

"Sec. 7654. Coordination of United States and Guam individual income taxes.".

(7) The table of sections for subchapter B of chapter 68 of such Code is amended by adding at the end thereof the following:

"Sec. 6687. Assessable penalties with respect to information required to be furnished under section 7654.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 (other than section 1(e)) shall apply with respect to taxable years beginning after December 31, 1972.

The amendments made by section 1(e)(1) shall apply with respect to taxable years beginning after December 31, 1971. The amendment made by section 1(e)(2) shall take effect on the day after the date of the enactment of this Act.

Approved October 31, 1972.

Public Law 92-607

October 31, 1972
[H. R. 17034]

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

Supplemental Appropriations Act, 1973.

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, 1973") for the fiscal year ending June 30, 1973, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

RURAL DEVELOPMENT

FARMERS HOME ADMINISTRATION

For an additional amount for "Salaries and expenses", $500,000.

ENVIRONMENTAL PROGRAMS

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" 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), $16,500,000, to remain available until expended: *Provided*, That personnel hired or funds expended hereunder shall not be charged to any personnel ceiling or monetary limitation heretofore or hereafter imposed.

64 Stat. 184.

1972 RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

The 1972 program of soil-building and soil- and water-conserving practices previously authorized to be carried out under sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U.S.C. 590g–590o, 590p (a), and 590q) may be carried out through June 30, 1973, and sums appropriated by Public Law 92–399 (86 Stat. 607) for such program may be used for practices carried out under such program through June 30, 1973.

NATIONAL STUDY COMMISSION

For an additional amount for the National Study Commission authorized by section 315 of the Federal Water Pollution Control Act Amendments of 1972, $200,000: *Provided*, That this sum shall be available only to the extent authorized by law.

Ante, p. 875.

CHAPTER II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT

URBAN RENEWAL PROGRAMS

For an additional amount for grants for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), $250,000,000, to remain available until expended. 63 Stat. 414; 82 Stat. 518.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to be used for the purchase of three ski-equipped C–130 transport aircraft, aircraft spares and repair parts, $19,740,000, to remain available until expended.

CHAPTER III

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For an additional amount for "Education and Welfare Services", $2,500,000.

CONSTRUCTION

For an additional amount for "Construction," $118,000, to remain available until expended: *Provided*, That these funds shall be available to assist the Lummi Tribe of Indians in the construction of a fish hatchery.

ALASKA NATIVE FUND

Any of the funds heretofore or hereafter advanced under authority of the Second Supplemental Appropriations Act, 1972 (Public Law 92–306), or the Act of August 10, 1972 (Public Law 92–369), to a Regional Corporation organized pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92–203), may be used by such Regional Corporation to loan to, and such Regional Corporation may also guarantee loans by third parties to the Alaska Federation of Natives and/or Alaska Federation of Natives, Inc., in such amounts and upon such terms and conditions as may be determined by such Regional Corporation, and in recognition of the services of said organizations in advancing land claims settlement legislation. *Ante*, p. 163. *Ante*, p. 508. 85 Stat. 688. 43 USC 1601 note.

CLAIMS AND TREATY OBLIGATIONS

For payment to Ute Tribe of Uintah and Ouray Reservation pursuant to section 2 of the Act of September 18, 1970, 84 Stat. 844, $65,000. 25 USC 389 note.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $350,000, to remain available until expended.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the non-performing arts functions of the John F. Kennedy Center for the Performing Arts, $2,000,000, of which not to exceed $630,000 shall be available for reimbursement to the Board of Trustees of the John F. Kennedy Center for operation and maintenance costs incurred for the period July 1 to October 31, 1972.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $360,000.

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

For an additional amount for "Departmental operations", $400,000.

RELATED AGENCIES

HISTORICAL AND MEMORIAL COMMISSIONS

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

SALARIES AND EXPENSES

For expenses to carry out the provisions of the Act of July 4, 1966 (P.L. 89–491), as amended, through February 15, 1973, $3,356,000, of which not to exceed $1,200,000 shall be for grants-in-aid as authorized by section 9(1) of the said Act, to remain available until expended: *Provided*, That none of the funds appropriated in this paragraph shall be available for obligation except upon the enactment into law of authorizing legislation.

80 Stat. 259; 84 Stat. 1389.

Ante, p. 43.

CHAPTER IV

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $26,602,000.

MANPOWER TRAINING SERVICES

For an additional amount for "Manpower training services", for expenses necessary to carry into effect title I of the Economic Opportunity Act of 1964, as amended, $829,862,000, plus reimbursements: *Provided*, That this appropriation shall not be available for

81 Stat. 672; 83 Stat. 833. 42 USC 2711.

contracts made under title I of the Economic Opportunity Act extending for more than twenty-four months: *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: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964, and for the purchase of real property for training centers.

81 Stat. 672; 83 Stat. 833. 42 USC 2711.

78 Stat. 528; 80 Stat. 1468. 42 USC 2942.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount for "Limitation on grants to States for unemployment insurance and employment services", $40,000,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

For an additional amount for "Mental health", including carrying out the functions of the Secretary under the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), $60,000,000.

Ante, p. 65.

EDUCATION DIVISION

SALARIES AND EXPENSES, ASSISTANT SECRETARY FOR EDUCATION

For necessary expenses to carry out section 402 of the General Education Provisions Act, $1,495,000.

Ante, p. 327.

OFFICE OF EDUCATION

EMERGENCY SCHOOL ASSISTANCE

For carrying out the Emergency School Aid Act, title IV of the Civil Rights Act of 1964 relating to functions of the Commissioner of Education, and emergency school assistance activities for which provision was made in the Joint Resolution of July 1, 1972 (Public Law 92-334), $270,640,000.

Ante, p. 354. 78 Stat. 252. 42 USC 2000d.

Ante, p. 402.

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, part A ($11,500,000), part B ($5,000,000), and part C ($500,000) of the Indian Education Act, and General Education Provisions Act ($1,000,000), $18,000,000.

Ante, p. 334. 20 USC 1221 note.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, title I, parts A, section 420, B, and E of title IV, and section 1202, of the Higher Education Act, as amended, section 506(b) of the Education Amendments of 1972, the Emergency Insured Student Loan Act of 1969, as amended, and sections 400, 404, and 421 of the General Education Provisions Act, section 207 of the National Defense Education Act, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329),

Ante, pp. 236, 247, 378, 264, 272, 324. *Ante*, p. 350. *Ante*, p. 270. *Ante*, p. 326. 20 USC 427. *Ante*, p. 350.

Ante, p. 907.

and S.J. Resolution 265, $577,500,000, of which $25,000,000 shall be for Veterans Cost of Instruction payments to institutions of higher education, and $215,000,000 to remain available until expended shall be for subsidies on guaranteed student loans: *Provided*, That the funds to carry out S.J. Resolution 265 shall be available only upon enactment of authorizing legislation.

LIBRARY RESOURCES

For an additional amount for "Library resources", including carrying out to the extent not otherwise provided for, title II (except section 231) of the Higher Education Act of 1965, as amended, $17,857,000.

Ante, p. 238.

NATIONAL COMMISSION ON THE FINANCING OF POSTSECONDARY EDUCATION

For expenses necessary to carry out section 140 of the Education Amendments of 1972, including compensation for members of the Commission at rates not to exceed the per diem equivalent for grade GS–18, $1,500,000, to remain available until June 30, 1974.

Ante, p. 282.

5 USC 5332 note.

EDUCATIONAL RENEWAL

For an additional amount for "Educational renewal", including sections 502 and 504, parts B–1, C, D, E, and F of the Education Professions Development Act, and section 400 of the General Education Provisions Act, $81,165,000.

20 USC 1091a, 1091c, 1101, 1111, 1119, 1119b, 1119c.

Ante, p. 326.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $13,905,000 of which $300,000 shall be transferred to Health Services and Mental Health Administration for expenses of the Youth Camp Safety Study.

NATIONAL INSTITUTE OF EDUCATION

For carrying out section 405 of the General Education Provisions Act, and for the necessary expenses of the National Institute of Education, including rental of conference rooms in the District of Columbia; and not to exceed $500 for official reception and representation expenses; $92,082,000: *Provided*, That funds included in the regular fiscal year 1973 appropriation for "Educational renewal" and "Salaries and expenses, Office of Education" for dissemination activities, except general program dissemination, and the District of Columbia schools project shall be transferred to the National Institute of Education.

Ante, p. 328.

SOCIAL AND REHABILITATION SERVICE

SOCIAL AND REHABILITATION SERVICES

For carrying out, except as otherwise provided, the Rehabilitation Act of 1972, the Older Americans Act of 1965, as amended, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, $898,648,000, of which $610,000,000 shall be for grants under section 103 of the Rehabilitation Act of 1972 and not to exceed $38,735,000 shall be for grants under section 104 of

79 Stat. 218.
42 USC 3001 note.
42 USC 626, 908, 1310, 1315.
74 Stat. 364.
22 USC 2101 note.

such Act: *Provided*, That none of the funds contained in this appropriation may be used for any expenses, whatsoever, incident to making allotments to States for the current fiscal year, under section 103 of the Rehabilitation Act of 1972, on a basis in excess of a total of $645,000,000: *Provided further*, That the $5,000,000 contained within this appropriation for the construction of the National Center for Deaf/Blind youths and adults shall remain available until expended.

OFFICE OF CHILD DEVELOPMENT

CHILD DEVELOPMENT

For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191), including $400,755,000 to carry out Project Head Start, as authorized by section 222(a)(1) of the Economic Opportunity Act of 1964, $415,556,000.

81 Stat. 915.
42 USC 626.
37 Stat. 79, 737.
81 Stat. 698;
83 Stat. 828.
42 USC 2809.

OFFICE OF THE SECRETARY

OFFICE FOR CIVIL RIGHTS

For an additional amount for "Office for Civil Rights", $1,322,000.

DEPARTMENTAL MANAGEMENT

For an additional amount for "Departmental management", $541,000.

RELATED AGENCIES

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

For expenses necessary for Action to carry out the provisions of the Economic Opportunity Act of 1964, as amended, relating to Volunteers in Service to America (42 U.S.C. 2991–2994); section 637(b) of the Small Business Act (15 U.S.C. 637(b)), not otherwise provided for; and title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044–3044s); $94,107,000.

81 Stat. 722.
72 Stat. 389;
81 Stat. 269.
83 Stat. 111.

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, $790,200,000, plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for the construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, 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.

78 Stat. 508.
42 USC 2701 note.
78 Stat. 528;
80 Stat. 1468.
42 USC 2942.

CHAPTER V

LEGISLATIVE BRANCH

SENATE

For payment to Allen J. Ellender, Jr., son of Allen J. Ellender, late a Senator from the State of Louisiana, $49,500.

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE SECRETARY

For an additional amount for "Office of the Secretary", $8,980: *Provided*, That effective November 1, 1972, the Secretary may appoint and fix the compensation of a clerk in the office of the official reporters of debates at not to exceed $13,468 per annum, an assistant librarian at not to exceed $17,871 per annum in lieu of a senior reference assistant at not to exceed such rate, a senior reference assistant at not to exceed $12,691 per annum in lieu of an assistant librarian at not to exceed such rate, a clerk at not to exceed $9,583 per annum in lieu of a messenger at not to exceed such rate, seven clerks at not to exceed $8,806 per annum each in lieu of seven messengers at not to exceed such rate, and the title of the position chief messenger in the Secretary's office is hereby changed to deputy special assistant.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of Sergeant at Arms and Doorkeeper", $42,305: *Provided*, That effective November 1, 1972, the Sergeant at Arms may appoint and fix the compensation of a manager programer at not to exceed $22,533 per annum, and two senior programer analysts at not to exceed $20,461 per annum each.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For an additional amount for "Inquiries and Investigations", fiscal year 1972, $140,000, to be derived by transfer from the appropriation "Salaries, Officers and Employees", fiscal year 1972.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", fiscal year 1972, $1,020,000, to be derived by transfer from the appropriation "Salaries, Officers and Employees", fiscal year 1972.

ADMINISTRATIVE PROVISIONS

SEC. 501. Clause (2) of the fourth paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1972, is amended by striking out "Federal Code Annotated" wherever it appears and inserting in lieu thereof "United States Code Service".

85 Stat. 129.

SEC. 502. The first sentence of the third paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1959, as amended by the Legislative Branch Appropriation Act, 1972 (2 U.S.C. 43b), is amended to read as follows:

"The contingent fund of the Senate is hereby made available for reimbursement of actual transportation expenses incurred by each Senator in traveling on official business and such expenses incurred by employees in that Senator's office in making round trips 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 that State (other than transportation expenses incurred by an employee assigned to a Senator's office within that State (A) while traveling in the general vicinity of such office, (B) pursuant to a change of assignment within such State, or (C) in commuting between home and office)."

SEC. 503. The first paragraph under the heading "Payment of Sums Due Deceased Congressional Personnel" in the appropriation for the Legislative Branch in the Second Supplemental Appropriation Act, 1951 (2 U.S.C. 36a), is amended to read as follows: 64 Stat. 1224.

"Under regulations prescribed by the Secretary of the Senate, a person serving as a Senator or officer or employee whose compensation is disbursed by the Secretary of the Senate may designate a beneficiary or beneficiaries to be paid any unpaid balance of salary or other sums due such person at the time of his death. When any person dies while so serving, any such unpaid balance shall be paid by the disbursing officer of the Senate to the designated beneficiary or beneficiaries. If no designation has been made, such unpaid balance shall be paid to the widow or widower of that person, or if there is no widow or widower, to the next of kin or heirs at law of that person."

SEC. 504. The Secretary of the Senate is hereafter authorized to advance, in his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,500, to defray official travel expenses in assisting the Secretary in carrying out his duties under the Federal Election Campaign Act of 1971. *Ante*, p. 3. 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.

SEC. 505. Subsection (e)(3)(B) of section 105 of the Legislative Branch Appropriation Act, 1968, as amended, and as modified by Orders of the President pro tempore of the Senate (2 U.S.C. 61–1), 84 Stat. 1181. is amended by striking out the word "two" and inserting in lieu thereof "three".

SEC. 506.(a) Effective January 1, 1973, and thereafter, the contingent fund of the Senate is made available for payment to or on behalf of each Senator, upon certification of the Senator, for the following expenses incurred by the Senator and his staff:

(1) official telegrams and long-distance telephone calls and related services (in the manner authorized immediately prior to January 1, 1973, by the Committee on Rules and Administration, or as may be hereafter authorized by that committee);

(2) stationery and other office supplies procured through the Senate stationery room for use for official business;

(3) reimbursement to each Senator for air mail and special delivery postage for expenses incurred in the mailing of postal matters relating to official business;

(4) rental charges for office space at not more than three places designated by the Senator in the State he represents;

(5) reimbursement to each Senator for official office expenses incurred in his State (other than equipment and furniture);

(6) reimbursement to each Senator for telephone service charges officially incurred outside Washington, District of Columbia;

(7) reimbursement to each Senator for charges for subscriptions to magazines, periodicals, or clipping or similar services; and

(8) reimbursement of actual transportation expenses incurred by the Senator in traveling on official business by the nearest usual route between Washington, District of Columbia, and the State he represents and within such State, and actual transportation expenses incurred by employees in that Senator's office subject to the provisions of subsection (e) of this section.

Reimbursement to a Senator and his employees under this section shall be made only upon presentation of itemized vouchers for expenses incurred.

(b)(1) Except as otherwise provided in paragraph (2) of this subsection, the total amount of expenses authorized to be paid to or on behalf of a Senator under this section shall not exceed for calendar year 1973 or any calendar year thereafter the aggregate of the following, rounded to the next higher multiple of $12:

(A) the applicable amount authorized for official telegrams and long-distance telephone calls and related services under rules and regulations of the Committee on Rules and Administration in effect immediately prior to January 1, 1973, or such different amount as may be authorized for such purposes under rules and regulations hereafter prescribed by that committee;

(B) the applicable full fiscal year amount authorized by the proviso under the heading "Stationery (Revolving Fund)" appearing under the heading "SENATE" in chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 46a), as in effect immediately prior to January 1, 1973;

85 Stat. 635.

(C) the applicable full fiscal year amount authorized by the proviso under the heading "Postage Stamps" appearing under the heading "SENATE" in the Legislative Branch Appropriation Act, 1972 (2 U.S.C. 42a), as in effect immediately prior to January 1, 1973;

85 Stat. 128.

(D) the amount authorized a Senator for home offices and home office expenses for a full calendar year in the fourth sentence following the proviso in the second full paragraph under the heading "Miscellaneous Items" appearing under the heading "SENATE" in chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 53), as in effect immediately prior to January 1, 1973; and

(E) the applicable full fiscal year amount authorized by the third paragraph, relating to reimbursement of transportation expenses to Senators and their staff, under the heading "ADMINISTRATIVE PROVISIONS" appearing under the heading "SENATE" in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), as in effect immediately prior to January 1, 1973.

(2) In any such calendar 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 to the Senator shall be the aggregate amount computed under paragraph (1) of this subsection, divided by 12, and multiplied by the number of months the Senator holds such office during that year, counting any fraction of a month as a full month.

(c) The aggregate of payments made to or on behalf of a Senator under this section shall not exceed at any time during each calendar year one-twelfth of the amount computed under subsection (b)(1) of this section multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that calendar

year in which the Senator holds the office of Senator through the date of payment. Payments for rentals due for office space occupied in the State which the Senator represents shall not exceed at any time during each calendar year $300 multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that calendar year in which the Senator holds the office of Senator through the month of payment.

(d) The Sergeant at Arms shall secure for each Senator office space suitable for the Senator's official use at not more than three places designated by him in the State he represents. That space shall be secured in post offices or other Federal buildings at such places. In the event suitable office space is not available in post offices or Federal buildings, the amount made available to the Senator under this section may, subject to subsection (c), be expended to secure other office space in such places.

(e) Actual transportation expenses incurred by an employee in a Senator's office shall be paid under this section only for such expenses incurred in making round trips 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 that 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). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment.

(f) The amount available to each Senator during fiscal year 1973, (1) for air mail and special delivery postage by the proviso under the heading "POSTAGE STAMPS" appearing under the heading "SENATE" in the Legislative Branch Appropriation Act, 1972 (2 U.S.C. 42a), as in effect immediately prior to January 1, 1973, (2) for actual transportation expenses under the third paragraph under the heading "ADMINISTRATIVE PROVISIONS" appearing under the heading "SENATE" in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), as in effect immediately prior to January 1, 1973, and (3) for stationery by the proviso under the heading "STATONERY (REVOLVING FUND)" appearing under the heading "SENATE" in chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 46a), as in effect immediately prior to January 1, 1973, shall be, notwithstanding such paragraph and provisos, reduced by 50 percent of the applicable amount made available to a Senator under such paragraph and provisos for the entire fiscal year. If, immediately prior to January 1, 1973, any Senator has expended any sum in excess of an amount made available as the result of the reduction made in clause (2) or (3) by this subsection, any such excess sum (but not more than the applicable amount of the reduction) shall be charged against the amount made available to that Senator under this section for calendar year 1973.

85 Stat. 128.

85 Stat. 635.

(g) In the case of the death of any Senator, the chairman of the Committee on Rules and Administration may certify for such deceased Senator for any portion of such sum already obligated but not certified to at the time of such Senator's death, and for any additional amount which may be reasonably needed for the purpose of closing such deceased Senator's State offices, for payment to the person or persons designated as entitled to such payment by such chairman.

(h) Effective January 1, 1973, the following provisions of law are repealed:

Repeals; effective date.

(1) that part of the paragraph under the heading "Contingent Expenses of the Senate", relating to the procurement of air mail and special delivery postage stamps by the Secretary of the Senate, appearing under the heading "SENATE" in the Legislative Branch Appropriation Act, 1942, as amended and supplemented (2 U.S.C. 42a), insofar as such part and any such amendment and supplement relate to Senators;

85 Stat. 128.

(2) the third paragraph, relating to reimbursement of transportation expenses to Senators and their staff, under the heading "Administrative Provisions" appearing under the heading "SENATE" in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b);

(3) the paragraph relating to stationery expenses under the heading "SENATE" in the Act entitled "An Act making appropriations for the Legislative, Executive, and Judicial Expenses of the Government for the year ending the thirtieth of June, eighteen hundred and seventy", approved March 3, 1869, as amended and supplemented (2 U.S.C. 46a), insofar as such paragraph and any such amendment and supplement relate to Senators;

(4) section 106 of the Legislative Branch Appropriation Act, 1969 (2 U.S.C. 46a–3);

82 Stat. 413.

(5) the last paragraph under the heading "Administrative Provisions" appearing under the heading "SENATE" in the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 46d–4);

81 Stat. 130.

(6) the paragraph relating to the payment from the Senate contingent fund of telegrams under the heading "CONTINGENT EXPENSES OF THE SENATE" appearing under the heading "SENATE" in the Legislative Branch Appropriation Act, 1947 (2 U.S.C. 46e); and

60 Stat. 392, 814.

(7) the proviso and the succeeding six sentences relating to home offices and home office expenses under the heading "MISCELLANEOUS ITEMS" appearing under the heading "SENATE" in chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 53).

85 Stat. 634.

(i) Effective January 1, 1973, clause (2) of the last paragraph under the heading "CONTINGENT EXPENSES OF THE SENATE" appearing under the heading "SENATE" in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 46a–1), is amended by striking out "and of Senators".

71 Stat. 188.

(j)(1) $191,100 of the funds appropriated for "STATIONERY (REVOLVING FUND)", fiscal year 1973, and $55,495 of the funds appropriated for "POSTAGE STAMPS", fiscal year 1973, are hereby transferred to the appropriation "MISCELLANEOUS ITEMS", fiscal year 1973.

(2) $12,575 of the funds appropriated for "POSTAGE STAMPS", fiscal year 1973, are hereby made available for the maintenance of a supply of stamps in the Senate Post Office.

SEC. 507. Section 1824 of the Revised Statutes (40 U.S.C. 210), is amended by adding at the end thereof the following new sentence: "Such arms so furnished shall be carried by each officer and member of the Capitol Police, while in the Capitol Buildings (as defined in section 16(a)(1) of the Act of July 31, 1946, as amended (40 U.S.C. 193m)), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in the first section of the Act of July 31, 1946, as amended (40 U.S.C. 193a)), in such manner and

81 Stat. 277.

60 Stat. 718.

at such times as the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives may, by regulations, prescribe."

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Priscilla M. Ryan, widow of William F. Ryan, late a Representative from the State of New York, $42,500.

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE CLERK

For an additional amount for "Office of the Clerk", $283,000.

CONTINGENT EXPENSES OF THE HOUSE

FURNITURE

For an additional amount for "Furniture", $339,500.

ADMINISTRATIVE PROVISION

The provisions of House Resolution 890, Ninety-second Congress, relating to compensation of the Clerk, the Doorkeeper, and the Sergeant at Arms of the House of Representatives, and the Chief of Staff of the Joint Committee on Internal Revenue Taxation, shall be the permanent law only with respect to the compensation of the Clerk, the Doorkeeper, and the Sergeant at Arms of the House of Representatives. Such House Resolution 890 shall not apply with respect to the compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation.

JOINT ITEMS

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For an additional amount for "Joint Committee on Internal Revenue Taxation", $135,000.

OFFICE OF THE ATTENDING PHYSICIAN

For an additional amount for the "Office of the Attending Physician", $5,000, to be available as an allowance for a medical consultant.

Upon assuming his duty as Attending Physician to the United States Congress, and while so serving, the incumbent shall be considered to hold the rank of Rear Admiral, Medical Corps, United States Naval Reserve, for all purposes, and shall receive the pay and allowances with his length of service of an officer of the upper half of that grade (O–8) and when retired under any provision of law shall be advanced on the retired list to such grade and shall receive retired pay based on that grade.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For an additional amount for "Capitol Buildings", to be expended in accordance with the provisions of H. Con. Res. 550, Ninety-second Congress, agreed to September 19, 1972, $3,000,000, to remain available until expended.

SENATE OFFICE BUILDINGS

For an additional amount for "Senate Office Buildings", $110,000, to remain available until expended.

CONSTRUCTION OF AN EXTENSION TO THE NEW SENATE OFFICE BUILDING

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to provide for the construction and equipment of an extension to the New Senate Office Building, in accordance with plans approved by such Commission and by the Senate Committee on Public Works, on the east half of square 725 including the public alley separating the east and west halves of such square, but excluding lot 885 in such square, containing office rooms and such other rooms and accommodations as may be approved by the Senate Office Building Commission and by the Senate Committee on Public Works, including structural and other changes in the existing New Senate Office Building necessitated by such construction, together with approaches, connections with the Capitol Power Plant and public utilities, and architectural landscape treatment of the grounds: *Provided*, That upon completion of the project, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of the Act of June 8, 1942 (40 U.S.C. 174 (c) and (d)), and the Act of July 31, 1946 (40 U.S.C. 193a–193m, 212a and 212b) in the same manner and to the same extent as the present Senate Office Buildings and the grounds and sidewalks surrounding the same: *Provided further*, That during each fiscal year, the Senate Committee on Public Works shall examine the progress and costs of construction of such building and take such steps as are necessary to insure its economical construction: *Provided further*, That the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized and directed to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the provisions of this paragraph; $47,925,000, to remain available until expended.

56 Stat. 343; 60 Stat. 814, 838. 40 USC 174c, 174d. 60 Stat. 718; 80 Stat. 275.

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

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, in addition to the real property contained in square 724 in the District of Columbia heretofore acquired under Public Law 85–429, approved May 29, 1958 (72 Stat. 148–149), Public Law 91–382, approved August 18, 1970 (84 Stat. 819), and

40 USC 174b-1 note.

Public Law 92–184, approved December 15, 1971 (85 Stat. 637), to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, as a site for parking facilities for the United States Senate, all publicly or privately owned real property contained in lots 79, 80, 86, 94, 305, 806, 833, 838, 839, 840, and 844 in square 724 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That for the purposes of this paragraph, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further*, That, upon acquisition of any real property under this paragraph, the jurisdiction of the Capitol Police shall extend over such property, and any property acquired under this paragraph shall become a part of the United States Capitol Grounds and be subject to the provisions of sections 193a–193m, 212a, and 212b of title 40, United States Code: *Provided further*, That any proceeding for condemnation brought under this paragraph shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368): *Provided further*, That, notwithstanding any other provision of law, any real property owned by the United States and any public alleys or parts of alleys and streets contained within the curblines surrounding square 724, shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol without reimbursement or transfer of funds, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to part III of Reorganization Plan Numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission: *Provided further*, That, upon acquisition of any real property pursuant to this paragraph, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: *Provided further*, That nothing herein shall be construed to prohibit the continued use of areas in square 724, acquired under authority of the Acts of May 29, 1958, August 18, 1970, and December 15, 1971, hereinbefore cited, for the parking of automobiles, until such times as such areas may be required for construction purposes: *Provided further*, That the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, and expenditures authorized by Public Law 91–646, approved January 2, 1971 (84 Stat. 1894–1907) applicable to the Architect of the Capitol, as may be necessary to carry out the provisions of this paragraph; $4,075,000, to remain available until expended.

40 USC 174b-1 note.

60 Stat. 718; 81 Stat. 275.

77 Stat. 577.

81 Stat. 948.
5 USC app.

72 Stat. 148.
84 Stat. 819.
85 Stat. 637.
40 USC 174b-1 note.

42 USC 4601 note.

PLANS FOR GARAGE AND RELATED FACILITIES FOR THE UNITED STATES SENATE

To enable the Architect of the Capitol to initiate and conduct a study, after consultation with the appropriate Federal agencies and individuals experienced in the design of vehicle parking structures, to explore design and cost alternatives for construction, on square 724, of a parking garage with limited commercial facilities, and report his preliminary findings and recommendations to the Senate Committee on Public Works: *Provided*, That the Architect of the Capitol, concurrently with such study, is authorized to establish, for the purpose of development of a basic concept therefor, an architectural design competition, in order to encourage the preparation of an imaginative design for the garage structure, including limited commercial facilities and landscaping and to assure a pleasant transition to and maximum coordination with the surrounding residential and commercial community in that area of Northeast Washington within sight of or adjoining the Capitol Grounds: *Provided further*, That such design concept may consider and include existing and future land use and structures in said surrounding community, and shall consider any existing model cities or other governmental planning for such Northeast area, including that of the National Capital Planning Commission: *Provided further*, That guidelines and criteria specifically defining the limits, scope, and all aspects of the competition shall be developed and promulgated by the Architect of the Capitol, with the approval of the Senate Office Building Commission, and an award for the best design or designs shall be determined by a committee jointly designated for this purpose by the Architect of the Capitol and the Senate Office Building Commission, in such amount as they may deem to be appropriate: *Provided further*, That the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized and directed to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the provisions of this paragraph; $50,000, to remain available until expended.

ACQUISITION OF PROPERTY AS AN ADDITION TO THE CAPITOL GROUNDS

To enable the Architect of the Capitol to acquire on behalf of the United States, as an addition to the United States Capitol Grounds, by purchase, condemnation, transfer, or otherwise, all publicly or privately owned property contained in square 764 in the District of Columbia, and all alleys or parts of alleys contained within the curblines surrounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That any proceeding for condemnation brought under this paragraph shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368): *Provided further*, That for the purposes of this paragraph, square 764 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further*, That, notwithstanding any other provision of law, any real property owned by the United States and any public alleys or parts of alleys and streets contained within the curblines surrounding such square shall, upon request of the Architect of the Capitol, be transferred to the jurisdiction and control of the Architect of the

77 Stat. 577.

Capitol without reimbursement or transfer of funds, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to part III of Reorganization Plan numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol: *Provided further*, That, upon acquisition of such real property pursuant to this paragraph, the Architect of the Capitol is authorized to use such property as a green park area, pending its development for permanent use as the site of the John W. McCormack Residential Page School, subject to the approval of the Senate Office Building Commission and the House Office Building Commission: *Provided further*, That the jurisdiction of the Capitol Police shall extend over any real property acquired under this paragraph and such property shall become a part of the United States Capitol Grounds and be subject to the provisions of sections 193a–193m, 212a, and 212b of title 40, United States Code: *Provided further*, That the Architect of the Capitol, under the direction of the Senate Office Building Commission and the House Office Building Commission, is authorized and directed to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the provisions of this paragraph; $1,450,000, to remain available until expended.

81 Stat. 948.
5 USC app.

60 Stat. 718;
81 Stat. 275.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $259,000, of which $109,000 shall be derived by transfer from the reserve fund under the appropriation "Distribution of catalog cards, Salaries and expenses", fiscal year 1973.

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SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $20,500, to be derived by transfer from the reserve fund under the appropriation "Distribution of catalog cards, Salaries and expenses", fiscal year 1973.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $11,000, to be derived from the reserve fund under this head, fiscal year 1973.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $13,500, to be derived by transfer from the reserve fund under the appropriation "Distribution of catalog cards, Salaries and expenses", fiscal year 1973.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $12,117,000.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", fiscal year 1972, $12,702,100, to remain available until expended.

CHAPTER VI

PUBLIC WORKS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for "General investigations", $1,030,000, to remain available until expended.

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", $450,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Flood control, Mississippi River and tributaries", $1,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

SOUTHWESTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $1,435,000.

CHAPTER VII

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For an additional amount for "International conferences and contingencies", to remain available until December 31, 1973, $1,050,000,

of which not to exceed a total of $20,000 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; and not to exceed $100,000 (including $3,000 for official entertainment) of the amount appropriated under this head in the Department of State Appropriation Act, 1972, shall remain available until June 30, 1973.

74 Stat. 801.

85 Stat. 245.

PAYMENT TO THE REPUBLIC OF PANAMA

The Secretary of the Treasury shall cause to be paid annually (in lieu of the annual payment provided under this head in the Supplemental Appropriation Act, 1956), as a payment to the Republic of Panama in accordance with article I of the Treaty of 1955 (6 U.S.T. 2275), $2,095,401.

69 Stat. 464.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For an additional amount for "Salaries and expenses, General Administration", for maintenance and operation of a national narcotics intelligence system, $2,000,000.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", $300,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For an additional amount for "Salaries and expenses, United States Attorneys and Marshals", $1,300,000.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,000,000 to remain available until expended.

DEPARTMENT OF COMMERCE

PARTICIPATION IN UNITED STATES EXPOSITIONS

For expenses necessary for Federal participation in the 1974 International Exposition on the Environment, $3,500,000, to remain available until expended: *Provided*, That none of the funds appropriated in this paragraph shall be available for obligation except upon the enactment into law of authorizing legislation.

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For an additional amount for "Ship Construction", $175,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of S. 4036, 92d Congress, or similar legislation.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES, UNITED STATES MAGISTRATES

For an additional amount for "Salaries and expenses, United States Magistrates," to adjust the salaries of United States Magistrates as authorized by the Act of September 21, 1972, Public Law 92-428, $432,000.

Ante, p. 721.

RELATED AGENCIES

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

For necessary expenses of the Commission on the Organization of the Government for the Conduct of Foreign Policy, authorized by title VI of the Foreign Relations Authorization Act of 1972, $200,000.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

TRAFFIC AND HIGHWAY SAFETY

For an additional amount for "Traffic and Highway Safety," $33,000,000.

STATE AND COMMUNITY HIGHWAY SAFETY

In addition to the amounts available under Section 304 of the Department of Transportation and Related Agencies Appropriation Act, 1973, for planning or execution of programs in fiscal year 1973 for "State and Community Highway Safety" and "Highway-Related Safety Grants," funds provided in such Act shall be available for planning or executing additional programs for such purposes amounting to $10,000,000.

Ante, p. 590.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to National Railroad Corporation", $9,100,000, to remain available until expended.

RELATED AGENCIES

INTERSTATE COMMERCE COMMISSION

PAYMENT OF LOAN GUARANTEES

For payments required to be made as a consequence of loan guarantees made by the Interstate Commerce Commission under section 503 of the Interstate Commerce Act, as amended (49 U.S.C. 1233), $12,000,000, together with such amounts as may be necessary to pay interest thereon.

72 Stat. 569.

COMMISSION ON HIGHWAY BEAUTIFICATION

For necessary expenses of the Commission on Highway Beautification, established by section 123 of the Federal-Aid Highway Act of 1970 (84 Stat. 1727–1728), an additional $250,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the 92d Congress. 23 USC 131 note.

CHAPTER IX

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,800,000, of which $2,950,000 shall be available only for reimbursement for services performed by other agencies: *Provided*, That this paragraph shall be effective only upon enactment into law of H.R. 14370, 92d Congress, or similar legislation. *Ante*, p. 919.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including the purchase of thirty-nine passenger motor vehicles in addition to those heretofore authorized, $2,700,000: *Provided*, That section 102 of the Treasury, Postal Service, and General Government Appropriation Act, 1973, is amended by striking out "March 31, 1973" and inserting in lieu thereof "May 15, 1973". *Ante*, p. 474.

INTERNAL REVENUE SERVICE

COMPLIANCE

For an additional amount for "Compliance", $4,500,000.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SALARIES AND EXPENSES

For necessary expenses of the Council on International Economic Policy, including personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, $1,000,000.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

PHARMACOLOGICAL RESEARCH

For necessary expenses in connection with activities authorized by section 224 of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–255), $20,000,000: *Provided*, That none of the funds made available under this heading shall be available for allocation to *Ante*, p. 71.

any other Government agency unless the head of such agency shall certify in writing that all funds available to such agency for drug abuse prevention activities are fully committed and that additional funds are required for programs that appear to have promise of being exceptionally effective.

SPECIAL FUND

For the "Special fund" established by section 223 of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–255), $25,000,000: *Provided*, That none of the funds made available under this heading shall be available for allocation to any other Government agency unless the head of such agency shall certify in writing that all funds available to such agency for drug abuse prevention activities are fully committed and that additional funds are required for programs that appear to have promise of being exceptionally effective.

Ante, p. 71.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

OFFICE OF ADMINISTRATOR

INDIAN TRIBAL CLAIMS

For expenses necessary to provide accounting, records management, and other support incident to adjudication of Indian Tribal claims by the Indian Claims Commission, $1,800,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $353,000.

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 Northwest, in the District of Columbia, $1,916,000 to remain available until expended: *Provided*, That such sums as are necessary may be transferred from this appropriation to the General Services Administration for execution of the work.

CHAPTER X

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 92–368, Ninety-Second Congress, $54,743,725, 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 the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

CHAPTER XI

GENERAL PROVISION

Fiscal year limitation.

SEC. 1101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Executive dining room funds, report to Congress.

SEC. 1102. Each department, agency or corporation shall report to the Congress no later than July 31, 1973, the total amount of appropriated funds used for the support (direct or indirect) of executive dining rooms or similar facilities during the fiscal year endng June 30, 1973.

Approved October 31, 1972.

PROPOSED AMENDMENT
TO THE
CONSTITUTION
OF THE UNITED STATES

PROPOSED AMENDMENT

TO THE

CONSTITUTION

OF THE UNITED STATES

PROPOSED AMENDMENT

TO THE

CONSTITUTION OF THE UNITED STATES

SECOND SESSION, NINETY-SECOND CONGRESS

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women. [H. J. Res. 208]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

CARL ALBERT

Speaker of the House of Representatives.

ALLEN J. ELLENDER

President of the Senate pro Tempore.

I certify that this Joint Resolution originated in the House of Representatives.

W. PAT JENNINGS

Clerk.

BY W. RAYMOND COLLEY

[Received by the Office of the Federal Register, National Archives and Records Service, General Services Administration, March 23, 1972.]

LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-359 (Comm. on the Judiciary).
SENATE REPORT No. 92-689, also accompanying S. J. Res. 8 and S. J. Res. 9 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 117 (1971): Aug. 6, S. J. Res. 150 considered in Senate.
Oct. 6, 12, H. J. Res. 208 considered and passed House.
Vol. 118 (1972): Mar. 15, 17, 20-22, considered and passed Senate.

PRIVATE LAWS

PRIVATE LAWS

SECOND SESSION, NINETY-SECOND CONGRESS

Private Law 92-64

AN ACT

March 6, 1972
[H. R. 2828]

For the relief of Mrs. Rose Scanio.

Rose Scanio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release, or discharge in whole or in part, the liability to the United States of Rose Scanio, a window clerk at the United States Post Office, Melrose Park, Illinois, for the loss resulting from a theft on December 18, 1967, at that post office.

Approved March 6, 1972.

Private Law 92-65

AN ACT

March 6, 1972
[H. R. 3093]

For the relief of Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna.

Crescencia L. Serna and minor children.

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, Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna, 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 fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the required numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of each alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

79 Stat. 912.
8 USC 1153.

Approved March 6, 1972.

82-081 O - 72 - 86

Private Law 92-66

March 6, 1972
[H. R. 4319]

AN ACT

For the relief of Josephine Dumpit.

Josephine Dumpit.

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, Josephine Dumpit 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. Max A. Dumpit, 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.

79 Stat. 917.
8 USC 1101.

8 USC 1154.

Approved March 6, 1972.

Private Law 92-67

March 6, 1972
[H. R. 5179]

AN ACT

For the relief of Soo Yong Kwak.

Soo Yong Kwak.

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, Soo Yong Kwak 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 Mildred E. and Jay D. Crookston, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, 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.

79 Stat. 917.
8 USC 1101.

8 USC 1154.

Approved March 6, 1972.

Private Law 92-68

March 6, 1972
[H. R. 6506]

AN ACT

For the relief of Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber, and Violette Hanna Chaber.

Mrs. Hind N. Chaber and children.

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, Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber, and Violette Hanna Chaber, the widow and children of an alien lawfully admitted for permanent residence, shall be held and considered to be within the purview of section 203(a)(2) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

79 Stat. 912.
8 USC 1153.
8 USC 1154.

Approved March 6, 1972.

Private Law 92-69

AN ACT

For the relief of William Lucas (also known as Vasilios Loukatis).

March 6, 1972
[H. R. 6912]

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, William Lucas (also known as Vasilios Loukatis) 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 Mr. and Mrs. George Lucas, 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.

William Lucas.

79 Stat. 917.
8 USC 1101.

8 USC 1154.

Approved March 6, 1972.

Private Law 92-70

AN ACT

For the relief of Eleonora G. Mpolakis.

March 6, 1972
[H. R. 8540]

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, Eleonora G. Mpolakis 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. Mike Bellas, 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.

Eleonora G. Mpolakis.

79 Stat. 917.
8 USC 1101.

8 USC 1154.

Approved March 6, 1972.

Private Law 92-71

AN ACT

For the relief of Clinton M. Hoose.

March 9, 1972
[H. R. 1824]

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 Clinton M. Hoose, of Alexandria, Virginia, the sum of $3,634.64 in full settlement of all his claims against the United States arising in connection with a reduction in his salary for the period beginning October 1, 1962, and ending October 30, 1964, while he was a contract employee of the Central Intelligence Agency. The said Clinton M. Hoose agreed to such a reduction in salary because of certain provisions of Federal law relating to restrictions on the concurrent receipt of civilian compensation and military retired pay, which provisions were later rendered retroactively inapplicable to certain retired officers by section 201(g) of the Dual Compensation Act of 1964.

Clinton M. Hoose.

78 Stat. 484.

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 March 9, 1972.

Private Law 92-72

March 9, 1972
[H. R. 2714]

AN ACT

For the relief of Mrs. Kayo N. Carvell.

Mrs. Kayo N. Carvell.

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, Mrs. Kayo N. Carvell, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

79 Stat. 911.
8 USC 1151.
8 USC 1154.

Approved March 9, 1972.

Private Law 92-73

March 9, 1972
[H. R. 2792]

AN ACT

For the relief of Juanita Savedia Varela.

Juanita S. Varela.

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, Juanita Savedia Varela, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

79 Stat. 911.
8 USC 1151.
8 USC 1154.

Approved March 9, 1972.

Private Law 92-74

March 9, 1972
[H. R. 2846]

AN ACT

For the relief of Roy E. Carroll.

Roy E. Carroll.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Roy E. Carroll of Wellesley, Massachusetts, is relieved of liability to the United States in the amount of $1,365, representing the total amount of overpayments of active duty pay received by the said Roy E. Carroll during the period from February 1963, through October 1964, as a result of administrative error on the part of the Bureau of Naval Personnel with respect to monthly allotments sent to the mother of the said Roy E. Carroll during such period. In the audit and settlement of the 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. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Roy E. Carroll an amount equal to the aggregate of the 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.

(b) No part of the amount appropriated in subsection (a) of this section 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 subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 9, 1972.

Private Law 92-75

AN ACT

For the relief of Lloyd B. Earle.

March 9, 1972
[H. R. 4497]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding laches or any statute of limitations, the United States Army Claims Service is authorized and directed to receive, consider, adjudicate, and, if found meritorious, to pay the claim of Lloyd B. Earle, of Chester Depot, Vermont, against the United States arising out of an automobile accident which occurred on or about February 20, 1967 in Cuttingsville, Vermont, involving a vehicle operated by the said Lloyd B. Earle and another vehicle operated by a member of the United States Army.

Lloyd B. Earle.

Approved March 9, 1972.

Private Law 92-76

AN ACT

For the relief of Nina Daniel.

March 9, 1972
[H. R. 4779]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Nina Daniel, a former cashier in the Accounting and Finance Office, Stewart Air Force Base, New York, is relieved of liability to the United States in the amount of $4,250, representing that part of the loss resulting from the unexplained disappearance of money which occurred sometime between October 24, and October 27, 1969, at the Accounting and Finance Office, Stewart Air Force Base, New York, and for which Mrs. Daniel is being held liable by the Department of the Air Force. In the audit and settlement of the 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.

Nina Daniel.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nina Daniel, a teller in the Accounting and Finance Office, Stewart Air Force Base, New York, an amount equal to the aggregate of any amounts paid by her, or withheld from sums otherwise due her, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof 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 subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 9, 1972.

Private Law 92-77

March 9, 1972
[H. R. 6998]

AN ACT

For the relief of Salman M. Hilmy.

Salman M. Hilmy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and hereby is, authorized and directed to settle and adjust the claim of Salman M. Hilmy, an employee of the United States Information Agency, for reimbursement of the amount he was required to pay in settlement of a default court judgment rendered by a local court in Rhodes, Greece. An amount not to exceed $843.33 may be allowed in full and final settlement of the claim. There is appropriated out of any money in the Treasury not otherwise appropriated the sum of $843.33 for payment of said claim. 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 March 9, 1972.

Private Law 92-78

March 9, 1972
[H. R. 7316]

AN ACT

For the relief of Mrs. Norma McLeish.

Norma McLeish.

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, Mrs. Norma McLeish, the widow of a United States citizen, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of the Act shall be inapplicable in her case.

79 Stat. 911.
8 USC 1151.
8 USC 1154.

Approved March 9, 1972.

Private Law 92-79

March 9, 1972
[H. R. 7871]

AN ACT

For the relief of Robert J. Beas.

Robert J. Beas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release, or discharge in whole or in part, the liability of Robert J. Beas of 6441 Grosse Drive, Cleveland, Ohio, to the

United States for the loss resulting from the loss of a package of registered mail on or about August 29, 1960, while he was employed at the United States post office at Cleveland, Ohio.

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 Robert J. Beas that part of any amount repaid or withheld because of the liability referred to in section 1 of this Act which is equal to the amount waived under the authority provided in section 1 of this Act.

SEC. 3. 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 March 9, 1972.

Private Law 92-80

AN ACT

March 17, 1972
[S. 996]

Relating to the transportation of mail by the United States Postal Service.

Certain air taxi mail transportation operators.

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 money in the Treasury not otherwise appropriated, the sum of $23,891.26 to Ross Aviation, Inc., and the sum of $11,667.02 to Sedalia, Marshall, Boonville Stage Line, Inc.

SEC. 2. The payments made pursuant to section 1 of the Act shall be in full settlement of all claims by Ross Aviation, Inc., and Sedalia, Marshall, Boonville Stage Line, Inc., against the United States arising out of—

(1) the requirements imposed on air taxi mail transportation operators by the Postal Service or the Federal Aviation Agency, or both, regarding necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and

(2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations—

during the period commencing July 1, 1967, and ending December 31, 1968.

SEC. 3. No part of any amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any claim made under this Act, 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 March 17, 1972.

Private Law 92-81

March 21, 1972
[H. R. 10834]

AN ACT

Authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

MV *Wickersham.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port in the United States to another port of the United States, passengers (and their personal effects and their private vehicles) and vehicles engaged in the transportation of passengers but not merchandise may be transported on the M/V Wickersham (a passenger vessel owned by the State of Alaska but of foreign registry) between ports in Alaska, and between ports in Alaska and ports in the State of Washington, beginning on the date on which a binding contract is entered into between the State of Alaska and shipbuilders of the United States for the construction in the United States of a vessel to replace the M/V Wickersham, and ending on whichever of the following dates first occurs:

(1) the date on which there is no longer a binding contract between the State of Alaska and a shipbuilder of the United States for the construction in the United States of a vessel to replace the M/V Wickersham, other than contract termination resulting from the delivery of such replacement vessel;

(2) the date on which the State of Alaska first replaces the M/V Wickersham in regular service with a vessel of the United States;

(3) the date on which the State of Alaska ceases to own the M/V Wickersham;

(4) the date occurring thirty-six months after the date of enactment of this bill.

SEC. 2. The Assistant Secretary of Commerce for Maritime Affairs shall provide certification of the operative dates set out in section 1 herein.

Approved March 21, 1972.

Private Law 92-82

March 24, 1972
[S. 888]

AN ACT

For the relief of David J. Crumb.

David J. Crumb.

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 authorized and directed to pay out of the appropriations available for payment of travel expenses to David J. Crumb, formerly stationed in Roseburg, Oregon, who incident to permanent change of station was ordered to report for duty at his new station in Pinedale, Wyoming, on December 31, 1967, the real estate expenses which would have been payable to him under the provisions of section 5724a of title 5, United States Code, and Bureau of the Budget Circular Numbered A–56, revised October 12, 1966, without regard to the time limitation contained in section 4.1d of the Circular: *Provided*, That no part of the amounts authorized to be paid by this Act shall be paid or delivered to or received by any agent or attorney on account

81 Stat. 204.

of services rendered in connection with the claim of Mr. Crumb, 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 March 24, 1972.

Private Law 92-83

AN ACT

May 11, 1972
[S. 641]

For the relief of Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez.

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, Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 20, 1958, and the periods of time each of them has resided in the United States since that date shall be held and considered to meet the residence and physical requirements of section 316 of such Act.

Luis, Guadalupe, and Alfredo Guerrero-Chavez.

66 Stat. 242.
8 USC 1427.

Approved May 11, 1972.

Private Law 92-84

AN ACT

May 11, 1972
[S. 1089]

For the relief of Robert Rexroat.

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, Robert Rexroat 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 Robert Stanley Rexroat, a citizen of the United States, pursuant to section 204 of the Act: *Provided*, That the 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.

Robert Rexroat.

79 Stat. 917.
8 USC 1101.
8 USC 1154.

Approved May 11, 1972.

Private Law 92-85

AN ACT

May 11, 1972
[S. 1675]

For the relief of Antonio Plameras.

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, Antonio Plameras may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon the filing of a petition in his behalf by Dorothy Person, a citizen of the United States, pursuant to section 204 of such Act. The natural brothers or sisters of the said Antonio Plameras shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Antonio Plameras.

79 Stat. 917.
8 USC 1101.
8 USC 1154.

Approved May 11, 1972.

Private Law 92-86

May 11, 1972
[S. 1923]

AN ACT

For the relief of Harold Donald Koza.

Harold D. Koza.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Harold Donald Koza, lieutenant, United States Navy, retired, of Dothan, Alabama, is hereby relieved of all liability to repay the United States the sum of $4,583.28, representing overpayments of salary paid to him for services he performed as a civilian employee of the United States Army Aviation Center, Fort Rucker, Alabama, for the periods from February 24, 1964, through November 30, 1964, and April 18, 1965, through May 28, 1965, the said Harold Donald Koza having been appointed to such civilian position on February 24, 1964, in violation of section 2 of the Act of July 31, 1894 (repealed effective November 30, 1964), which prohibited the employment of certain retired military officers in a civilian position, and subsequently having been erroneously granted a step-increase and grade promotion based in part upon his illegal period employment prior to December 1, 1964. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

28 Stat. 205; 78 Stat. 492.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold Donald Koza the sum of any amounts received or withheld from him on account of the overpayments referred to in subsection (a) of this section.

SEC. 2. (a) For the purposes of all laws, rules, and regulations conferring rights and benefits on Federal employees, including, but not limited to, civil service status, retirement, and retention rights, the service performed by the said Harold Donald Koza from February 24, 1964, through November 30, 1964, as a civilian employee of the Department of the Army shall be held and considered to be valid and creditable Federal service.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold Donald Koza an amount equal to the difference between the salary received by him as a civilian employee of the United States at Fort Rucker, Alabama, for the period from May 29, 1965, to the date of enactment of this Act, and the salary he would have received for such period had he been promoted from step 2 of grade GS–7 to step 1 of grade GS–9 effective as of April 18, 1965.

5 USC 5332 note.

SEC. 3. No part of the amounts 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 the claims referred to in this Act, 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 May 11, 1972.

Private Law 92-87

AN ACT

To provide for the conveyance of certain real property of the United States.

June 6, 1972
[H. R. 1915]

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 shall convey, to Mrs. Julian Souvenir of Cathlamet, Washington, all right, title, and interest of the United States in and to the real property described as the southeast quarter of the southwest quarter of section 26, township nine north, range six west of the Willamette meridian, except that portion thereof conveyed by deed from Richard Dick to A. D. Birnie and recorded in Book "D" of Deeds, page 357, records of Wahkiakum County, Washington, containing approximately thirty-three acres, more or less.

Mrs. Julian Souvenir and William D. Auld. Conveyance.

SEC. 2. The Secretary of the Interior shall convey to William D. Auld, of Ridgefield, Washington, all right, title, and interest of the United States in and to the real property described in the deed from Richard Dick to A. D. Birnie recorded in Book "D" of Deeds, page 357, records of Wahkiakum County, Washington, containing seven acres, more or less.

SEC. 3. Conveyances under section 1 and 2 hereof shall be made upon payment of an amount determined by the Secretary of the Interior. Such amount shall be based upon an appraisal on the basis of the value of such land at the time of appraisal, exclusive of any increased value resulting from the development or improvement of the land by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant.

Approved June 6, 1972.

Private Law 92-88

AN ACT

For the relief of Maria Badalamenti.

June 30, 1972
[S. 513]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 212(a)(1) and 212(a)(25) of the Immigration and Nationality Act, Maria Badalamenti may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Maria Badalamenti.

66 Stat. 182.
8 USC 1182.

84 Stat. 413.
8 USC 1183.

Approved June 30, 1972.

Private Law 92-89

June 30, 1972
[H. R. 632]

AN ACT

For the relief of the village of River Forest, Illinois.

River Forest, Ill.

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 hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the village of River Forest, Illinois, the sum of $3,228.12. The payment of such sum shall be in full settlement of all claims of the village of River Forest against the United States for payment of civil defense matching funds for an emergency generator for the village of River Forest. Through administrative error the payment of civil defense matching funds has not been made and cannot now be made because of regulations which prohibit the retroactive payment of such funds: *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 June 30, 1972.

Private Law 92-90

June 30, 1972
[H. R. 1974]

AN ACT

For the relief of Mrs. Gloria Vazquez Herrera.

Gloria V. Herrera.
66 Stat. 163.
8 USC 1101 note.

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, Gloria Vazquez Herrera 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.

Approved June 30, 1972.

Private Law 92-91

June 30, 1972
[H. R. 2052]

AN ACT

For the relief of Luz Maria Cruz Aleman Phillips.

Luz M. C. A. Phillips.
66 Stat. 163.
8 USC 1101 note.

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, Luz Maria Cruz Aleman Phillips 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.

Approved June 30, 1972.

Private Law 92-92

AN ACT

For the relief of Vladimir Rodriguez LaHera.

June 30, 1972
[H. R. 2076]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Vladimir Rodriguez LaHera, who was lawfully admitted to the United States for permanent residence on July 2, 1964, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

Vladimir R. LaHera.

66 Stat. 240.
8 USC 1424.

Approved June 30, 1972.

Private Law 92-93

AN ACT

For the relief of Staff Sergeant J. C. Bell, Junior, United States Air Force.

June 30, 1972
[H. R. 3227]

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, the sum of $3,992.80 to Staff Sergeant J. C. Bell, Junior, of Las Vegas, Nevada, in full settlement of his claim against the United States for reimbursement for medical and hospital expenses incurred by him in 1968 in Wichita, Kansas, on behalf of his dependent mother as the result of erroneous information given him by Air Force personnel concerning the availability of facilities for the treatment of his mother at Government medical facilities. 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 such 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.

S. Sgt. J. C. Bell, Jr., USAF.

Approved June 30, 1972.

Private Law 92-94

AN ACT

For the relief of Maria Manuela Amaral.

June 30, 1972
[H. R. 4050]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Maria Manuela Amaral shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Silverio De Amaral, lawfully resident aliens in the United States: *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.

Maria M. Amaral.

79 Stat. 913, 915.
8 USC 1153, 1154.

Approved June 30, 1972.

Private Law 92-95

June 30, 1972
[H. R. 4083]

AN ACT

For the relief of Thomas William Greene and Jill A. Greene.

Thomas W. and Jill A. Greene.

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 Thomas William Greene and his wife Jill A. Greene, of San Diego, California, the sum of $109.50 in full settlement for all their claims against the United States for the proceeds of a Treasury check issued November 27, 1961, to them as an income tax refund which they never received, but with respect to which they failed to present their claim for the proceeds of such check within six years of the date of issue of such check.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof 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 June 30, 1972.

Private Law 92-96

June 30, 1972
[H. R. 6201]

AN ACT

For the relief of Lesley Earle Bryan.

Lesley E. Bryan.
66 Stat. 163.
8 USC 1101 note.

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, Lesley Earle Bryan 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 admissions authorized pursuant to the provisions of section 21(e) of the Act of October 3, 1965.

79 Stat. 921.
8 USC 1151 note.

Approved June 30, 1972.

Private Law 92-97

June 30, 1972
[H. R. 6666]

AN ACT

For the relief of Major Michael M. Mills, United States Air Force.

Maj. Michael M. Mills, USAF.

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 Major Michael M. Mills, United States Air Force, SSAN 332-26-7050FR, the sum of $1,620 in full satisfaction of all his claims against the United States for erroneous discontinuance of his allotment to the Miami National Bank, Miami, Florida, in 1967: *Provided*, That no part of the amount appro-

priated 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 June 30, 1972.

Private Law 92-98

AN ACT

For the relief of John W. Shafer, Junior.

June 30, 1972
[H. R. 6820]

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 joint and several liability of John W. Shafer, Junior, and John F. Schumacher, employees at the Albany, New York, Post Office, for a deficiency in the amount of $3,150 in the stamp stock of John W. Shafer, Junior.

John W. Shafer, Jr.

Approved June 30, 1972.

Private Law 92-99

AN ACT

For the relief of Matyas Hunyadi.

June 30, 1972
[H. R. 6907]

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)(23) of the Immigration and Nationality Act, Matyas Hunyadi may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Matyas Hunyadi.

70 Stat. 575.
8 USC 1182.

Approved June 30, 1972.

Private Law 92-100

AN ACT

For the relief of Chung Chi Lee.

June 30, 1972
[H. R. 7641]

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 212(a)(9) and section 212(a)(10) of the Immigration and Nationality Act, Chung Chi Lee may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided further*, That these exemptions shall apply only to grounds of exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Chung Chi Lee.

66 Stat. 182;
75 Stat. 655.
8 USC 1182.

Approved June 30, 1972.

Private Law 92-101

July 7, 1972
[H. R. 4494]

AN ACT

For the relief of Mrs. Latife Hassan Mahmoud.

Mrs. Latife H. Mahmoud.

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, Mrs. Latife Hassan Mahmoud, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

79 Stat. 911.
8 USC 1151.
8 USC 1154.

Approved July 7, 1972.

Private Law 92-102

July 7, 1972
[H. R. 4679]

AN ACT

For the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena.

Amparo Coronado Vieuda de Pena and minor children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 101(a)(27)(B) of the Immigration and Nationality Act, Amparo Coronado Vieuda de Pena, Yolanda Pena, Marisela Pena, and Lorenzo Pena shall be held and considered to be returning resident aliens.

79 Stat. 916.
8 USC 1101.

Approved July 7, 1972.

Private Law 92-103

July 10, 1972
[H. R. 5318]

AN ACT

For the relief of Mrs. Fernande M. Allen.

Mrs. Fernande M. Allen.

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 Mrs. Fernande M. Allen, of Alpena, Michigan, the sum certified to him by the Administrator of Veterans' Affairs pursuant to section 2.

SEC. 2. The Administrator of Veterans' Affairs shall certify to the Secretary of the Treasury the total additional amount of widow's pension benefits to which the said Mrs. Fernande M. Allen would have been entitled under title 38, United States Code, had she filed her application for such benefits on October 1, 1960, instead of on June 8, 1962.

38 USC 101 *et seq.*

SEC. 3. 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 10, 1972.

Private Law 92-104

AN ACT

For the relief of Willard O. Brown.

July 26, 1972
[S. 2359]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Willard O. Brown, of Abilene, Texas, shall be held and considered—

Willard O. Brown.

(1) to have been appointed as a Foreign Service officer of class 1 under sections 511 and 621 of the Foreign Service Act of 1946, on May 13, 1966;

60 Stat. 1007, 1014.
22 USC 906, 991.

(2) to have served, during the period from May 13, 1966, through April 30, 1970, as a Foreign Service officer of class 1;

(3) to have retired on April 30, 1970, as a Foreign Service officer of class 1; and

(4) to have had in effect for the period from May 13, 1966, through April 30, 1970, that amount of group life insurance, and an equal amount of group accidental death and dismemberment insurance (purchased by the Civil Service Commission) to which he would have been entitled as a Foreign Service officer of class 1 during such period.

(b) The Secretary of State shall determine—

(1) the amount of salary (including increases in salary under section 625 of the Foreign Service Act of 1946) to which the said Willard O. Brown would have been entitled during the period from May 13, 1966, through April 30, 1970, as a Foreign Service officer of class 1, less an amount equal to the difference between the amount actually paid by the said Willard O. Brown in group life and accidental death and dismemberment insurance premiums and the amount of such premiums he would have paid for the coverage of such insurance during that period had he been a Foreign Service officer of class 1;

74 Stat. 834.
22 USC 995.

(2) the amount of any lump-sum payment to which the said Willard O. Brown would have been entitled under section 5551 of title 5, United States Code (relating to accumulated and accrued leave), upon his retirement on April 30, 1970, as a Foreign Service officer of class 1; and

80 Stat. 488.

(3) the amount of annuity to which the said Willard O. Brown would have been entitled under section 821 of the Foreign Service Act of 1946 from May 13, 1970, through the day prior to the date of enactment of this Act had such annuity been computed on the basis of the amount of salary referred to in clause (1) of this subsection and the service referred to in subsection (a) of this section.

74 Stat. 839.
22 USC 1076.

(c) Each amount determined by the Secretary under subsection (b) of this section shall be (1) reduced by any amount paid to the said Willard O. Brown as salary during the period referred to in clause (1) of such subsection, as a lump-sum payment upon such retirement, or as an annuity, as the case may be, and (2) as so reduced, paid by the Secretary out of funds available for the payment of salaries of foreign service officers, lump-sum payments, or annuities to such officers, as appropriate.

(d) In the administration of section 821 of the Foreign Service Act of 1946, as amended, the said Willard O. Brown shall be entitled to be paid an annuity as recomputed on the basis of the provisions of subsection (a) of this section.

SEC. 2. No part of any payment authorized 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. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Approved July 26, 1972.

Private Law 92-105

July 26, 1972
[H. R. 1997]

AN ACT

For the relief of Joseph F. Sullivan.

Joseph F. Sullivan.
79 Stat. 260.

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 151, title 35, United States Code, or any provision of existing law, the Commissioner of Patents is authorized and directed to accept the late payment of the final fee (prescribed in section 41(a), title 35, United States Code), in the application for United States Letters Patent of Joseph F. Sullivan of South Orange, New Jersey, serial number 580,321, filed September 19, 1966, and allowed May 27, 1968, for a display and dispensing assembly as though no abandonment or lapse had ever occurred: *Provided*, That such final fee is paid within three months of the date this Act is approved. Upon payment of such fee, the Commissioner is authorized to issue to the said Joseph F. Sullivan the patent for which application was so made. No patent granted on said application shall be held invalid on the ground that the final fee was not paid within the period specified in title 35, United States Code.

79 Stat. 259.

Approved July 26, 1972.

Private Law 92-106

July 26, 1972
[H. R. 3751]

AN ACT

For the relief of Albert W. Reiser, Junior.

Albert W. Reiser, Jr.

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 funds in the Treasury not otherwise appropriated, to Albert W. Reiser, Junior, of Lima, Ohio, the sum of $1,458.80 in full settlement of all his claims against the United States for reimbursement of expenses arising in connection with the sale of his Oakwood, Ohio, residence and purchase of a residence in Lima, Ohio, pursuant to his 1968 transfer of official station as an employee of the Department of Labor.

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 such claims, 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 26, 1972.

Private Law 92-107

AN ACT

July 26, 1972
[H. R. 6739]

For the relief of Corporal Michael T. Kent, United States Marine Corps Reserve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Corporal Michael T. Kent, United States Marine Corps Reserve, is relieved of liability to the United States in the amount of $351.15 representing overpayment of active duty pay and allowances for the period beginning on April 4, 1969, and ending on April 3, 1970, paid to him as a result of an administrative error which occurred without fault on his part. 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.

Cpl. Michael T. Kent, USMCR.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Corporal Michael T. Kent 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.

(b) No part of the amount appropriated under this section 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 26, 1972.

Private Law 92-108

AN ACT

July 26, 1972
[H. R. 7829]

For the relief of Stephen H. Clarkson.

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, the sum of $20,768 to Stephen H. Clarkson in accordance with the opinion in the case of Stephen H. Clarkson against the United States, Congressional Reference Case Numbered 5–68, filed on April 13, 1971. The payments provided for in this Act are to be made in full and final satisfaction of all claims against the United States of the said Stephen H. Clarkson for the failure of the Secretary of the Interior to extend the time during which improvements were required to be made on the desert land entry described in the Congressional Reference Case Opinion.

Stephen H. Clarkson.

No part of the amount appropriated in this Act in excess of 20 per centum thereof 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 26, 1972.

Private Law 92-109

August 10, 1972
[S. 247]

AN ACT

For the relief of Albert G. Feller and Flora Feller.

Albert G. and Flora Feller.

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 Albert G. Feller and Flora Feller, of Ketchikan, Alaska, the sum of $267.12, representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his United States Army preinduction physical examination in Anchorage.

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 is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Approved August 10, 1972.

Private Law 92-110

August 14, 1972
[H. R. 631]

AN ACT

For the relief of the village of River Forest, Illinois.

River Forest, Ill.

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 the village of River Forest, Illinois, the sum of $5,096.50. The payment of such sum shall be in full settlement of all claims of the village of River Forest against the United States for reimbursement for one-half of the cost of certain civil defense communications equipment purchased by the village in November of 1962 at the urging of civil defense officials and in the belief that such reimbursement would be made. 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 August 14, 1972.

Private Law 92-111

August 20, 1972
[H. R. 2127]

AN ACT

For the relief of the estate of Charles Zonars, deceased.

Charles Zonars, estate.

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 the war claims fund to the estate of Charles Zonars, deceased, formerly of Athens, Greece, the sum of $6,400 in full settlement of the decedent's

claims against the United States arising in connection with the loss, damage, or destruction by military operations of war during World War II of certain property located in Greece in which he held an interest.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof 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 August 20, 1972.

Private Law 92-112

AN ACT

For the relief of Vincent J. Sindone.

August 20, 1972
[H. R. 11632]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release, or discharge in whole or in part, the liability of Vincent J. Sindone, postmaster of the post office at River Edge, New Jersey, to the United States for the loss resulting from burglary at the main office of the River Edge Post Office on May 20, 1967.

Vincent J. Sindone.

Approved August 20, 1972.

Private 92-113

AN ACT

For the relief of the Howrey Lumber Company.

August 22, 1972
[H. R. 2131]

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 to the Howrey Lumber Company, El Paso, Texas, the sum of $5,927.35 in full settlement of all claims of such company against the United States for reimbursement for moving expenses which it incurred (over and above the amount of such reimbursement approved within the limits of Public Law 88–300 by the International Boundary and Water Commission) in transferring to a new location in 1967 as a result of its displacement in connection with the Chamizal agreement. No part of the amount appropriated in this Act in excess of 10 per centum thereof 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.

Howrey Lumber Company.

78 Stat. 184.
22 USC 277d-17 note.

Approved August 22, 1972.

Private Law 92-114

August 22, 1972
[H. R. 10676]

AN ACT

For the relief of Lester L. Stiteler.

Lester L. Stiteler.

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 hereby authorized to compromise, release, or discharge in whole or in part the liability of Lester L. Stiteler, assistant superintendent of the Alcott Station Post Office, Denver, Colorado, to the United States for the loss resulting from the burglary at the Alcott Station Post Office, Denver, Colorado, on November 23, 1967.

Approved August 22, 1972.

Private Law 92-115

August 22, 1972
[S. 559]

AN ACT

For the relief of Albina Lucio Z. Manlucu.

Albina L. Z. Manlucu.
66 Stat. 163.
8 USC 1101 note.

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, Albina Lucio Z. Manlucu 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 paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.

79 Stat. 912.
8 USC 1153.

Approved August 22, 1972.

Private Law 92-116

August 22, 1972
[S. 2704]

AN ACT

For the relief of Rita Rosella Valleriani.

Rita R. Valleriani.
79 Stat. 912, 915.
8 USC 1153, 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Rita Rosella Valleriani shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Vincenzo Valleriani, citizens of the United States: *Provided*, That the parents, 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.

Approved August 22, 1972.

Private Law 92-117

AN ACT

August 29, 1972
[H. R. 2394]

For the relief of Antonio Benavides.

Antonio Benavides.
66 Stat. 182.
8 USC 1182.

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)(31) of the Immigration and Nationality Act, Antonio Benavides may be issued a visa and admitted to the United States for permanent residence if the said Antonio Benavides is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved August 29, 1972.

Private Law 92-118

AN ACT

August 29, 1972
[H. R. 2703]

For the relief of Mrs. Concepcion Garcia Balauro.

Concepcion G. Balauro.
66 Stat. 182;
79 Stat. 919.
8 USC 1182.

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)(4) of the Immigration and Nationality Act, Mrs. Concepcion Garcia Balauro may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to enactment of this Act: *Provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

84 Stat. 413.
8 USC 1183.

Approved August 29, 1972.

Private Law 92-119

AN ACT

August 29, 1972
[H. R. 3413]

For the relief of Doctor David G. Simons, lieutenant colonel, United States Air Force (retired).

Dr. David G. Simons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Doctor David G. Simons, lieutenant colonel, United States Air Force (retired), of Houston, Texas, is relieved of all liability to refund to the United States the sum of $8,757.65 representing the amount of overpayments of military retired pay received by the said Lieutenant Colonel David G. Simons as a result of an erroneous determination by the United States Air Force that he was excepted from the Dual Compensations Act restrictions while employed by the Veterans' Administration hospital.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Lieutenant Colonel David G. Simons 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.

(b) No part of the amount appropriated in subsection (a) of this section 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 subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved August 29, 1972.

Private Law 92-120

AN ACT

For the relief of Maria Rosa Martins.

August 29, 1972
[H. R. 5158]

Maria R. Martins.
66 Stat. 184.
8 USC 1182.

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)(25) of the Immigration and Nationality Act, Maria Rosa Martins may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

84 Stat. 413.
8 USC 1183.

Approved August 29, 1972.

Private Law 92-121

AN ACT

For the relief of Kyong Ok Goodwin (Nee Won).

August 29, 1972
[H. R. 9256]

Kyong Ok Goodwin.

79 Stat. 912, 915.
8 USC 1153, 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Kyong Ok Goodwin (Nee Won) shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Andrew L. Goodwin, citizens of the United States: *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.

Approved August 29, 1972.

Private Law 92-122

AN ACT

For the relief of Wilma Busto Koch.

August 29, 1972
[H. R. 10713]

Wilma B. Koch.

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, Wilma Busto Koch

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. Harry G. Koch, 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.

79 Stat. 917.

8 USC 1101.
8 USC 1154.

Approved August 29, 1972.

Private Law 92-123

AN ACT

September 19, 1972
[H. R. 1860]

For the relief of David Capps, formerly a corporal in the United States Marine Corps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That David Capps, of Newport News, Virginia, formerly a corporal in the United States Marine Corps, is relieved of liability to the United States in the amount of $133.75, representing the overpayments of military pay for the period beginning with July 1968, and ending November 1968, and including the amount received on payroll numbered 524, as a result of an administrative error and through no fault of his own. In the audit and settlement of the 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.

David Capps.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said David Capps, an amount equal to the aggregate of the 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.

(b) No part of the amount appropriated in subsection (a) of this section 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 subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved September 19, 1972.

Private Law 92-124

AN ACT

September 19, 1972
[H. R. 5299]

For the relief of Major Henry C. Mitchell, retired.

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 Major Henry C. Mitchell, United States Army, retired, of Tallahassee, Florida, the sum of $514.15 in full settlement of all his claims against the United States arising out of his family's move (in July 1964 prior to the delayed issuance of moving orders) from Columbia, South Carolina, to Nashville, Tennessee, while he was on active duty with the United States Army. Such claims consist of fees paid to movers, a travel allowance for his wife and children, and a dislocation allowance.

Maj. Henry C. Mitchell, USA.

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 September 19, 1972.

Private Law 92-125

September 19, 1972
[H. R. 5315]

AN ACT

For the relief of Gary R. Uttech.

Gary R. Uttech.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gary R. Uttech, of Mosinee, Wisconsin, is hereby relieved of liability to the United States in the amount of $312.50, representing overpayments of active duty pay received by him as a member of the United States Navy for the period June 8, 1966, to October 10, 1969, inclusive, as a result of administrative errors on the part of Government personnel who failed to make required deductions in his pay for authorized bond allotments and leave.

Approved September 19, 1972.

Private Law 92-126

September 19, 1972
[H. R. 10635]

AN ACT

For the relief of William E. Baker.

William E. Baker.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William E. Baker of Coleman, Michigan, is relieved of liability to the United States in the amount of $630.92, representing the amount claimed to be due to the United States as a result of certain overpayments paid to him while he was a member of the United States Marine Corps. Such overpayments were the result of administrative errors which occurred without fault on the part of the said William E. Baker. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said William E. Baker an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States referred to in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim. Any person violating the provisions of this subsection shall be fined not more than $1,000.

Approved September 19, 1972.

Private Law 92-127

AN ACT

For the relief of Sergeant Gary L. Rivers, United States Marine Corps, retired.

September 21, 1972
[H. R. 12638]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sergeant Gary L. Rivers, United States Marine Corps, retired, is relieved of all liability for repayment to the United States of the sum of $1,153.86, representing the amount of overpayment of compensation from (1) overcrediting a variable reenlistment bonus of $675.60; (2) failure to liquidate a previous overpayment of $239.31; (3) payment of $232.50 of allotments without corresponding deductions; and (4) failure to recoup a pro rata portion of reenlistment bonus and variable reenlistment bonus for a period of time lost, in the amount of $6.45. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sgt. Gary L. Rivers, USMC.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Sergeant Gary L. Rivers, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

(b) 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 September 21, 1972.

Private Law 92-128

AN ACT

For the relief of Captain Claire E. Brou.

September 26, 1972
[H. R. 6503]

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 Captain Claire E. Brou (retired, United States Air Force (FR 3195973)), of Ocean Springs, Mississippi, the sum of $100,000, in full settlement as recognition and assumption of the compassionate responsibility of the United States for all her claims arising in connection with injuries she sustained in April 1968, due to extraordinary circumstances, while undergoing a diagnostic study at the Walter Reed Army Medical Center. Such injuries left her partially paralyzed and permanently disabled.

Capt. Claire E. Brou, USAF.

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 such claims, 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.

SEC. 3. The payment of the compassionate compensation provided for in this Act shall not be interpreted as interfering with or barring any rights of the said Claire E. Brou to compensation or benefits as a retired officer or accruing to her by reason of her military service, and its acceptance by her shall be in addition to any such rights to compensation or other benefits from the United States.

Approved September 26, 1972.

Private Law 92-129

September 29, 1972
[S. 2575]

AN ACT

For the relief of William John West.

William J. West.
79 Stat. 917.
8 USC 1101.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 101(b)(1) of the Immigration and Nationality Act, William John West shall be deemed to be the natural-born alien child of Staff Sergeant William R. West, a citizen of the United States.

Approved September 29, 1972.

Private Law 92-130

September 29, 1972
[H. R. 15865]

AN ACT

For the relief of Richard L. Krzyzanowski.

Richard L. Krzyzanowski.
66 Stat. 163.
8 USC 1101 note.

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, Richard L. Krzyzanowski shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 13, 1966.

Approved September 29, 1972.

Private Law 92-131

September 29, 1972
[H. R. 6204]

AN ACT

For the relief of John S. Attinello.

John S. Attinello.

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 John S. Attinello of Alexandria, Virginia, the sum of $100,000, in full satisfaction of all claims of the said John S. Attinello against the United States as recommended by the Chief Commissioner of the United States Court of Claims on March 13, 1972, in Congressional Reference Case Numbered 1–71, John S. Attinello versus the United States for loss of patent rights in Great Britain on a highlift supercirculation system for aircraft which was developed and patented in the United States by him (United States Patent Numbered 2,868,480), but which was not patented in that country as a result of the failure of the Department of Defense to forward to the Commissioner of Patents a request for permission for the said John S. Attinello to file a patent application in such country.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof 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 September 29, 1972.

Private Law 92-132

AN ACT

For the relief of Walter Eduard Koenig.

September 29, 1972
[H. R. 14173]

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, Walter Eduard Koenig, shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

Walter E. Koenig.
66 Stat. 163.
8 USC 1101 note.
8 USC 1427.

Approved September 29, 1972.

Private Law 92-133

AN ACT

To release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors.

October 3, 1972
[H. R. 16251]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions and conditions in the deed of conveyance from the Assistant Secretary of War, dated May 10, 1904, to the Columbia Military Academy, and its successors, of record in book 105, page 495, Register's Office, Maury County, Tennessee, restricting use of the property conveyed therein for educational purposes only, providing for prescribing of rules and regulations by the Secretary of War, providing for revision of title to the United States under specified circumstances and providing for use for military purposes on demand of the President, shall be released and fee simple title to the property, free of such provisions and conditions, shall vest in the Columbia Military Academy, a Tennessee corporation, the charter of which is of record in Charter Book B, page 487 in such Register's Office, upon payment of $10,000 in cash by such Academy to the United States as provided for in section 2 of Public Law 71–529 (46 Stat. 1009–1010).

Columbia Military Academy.

Approved October 3, 1972.

Private Law 92-134

AN ACT

For the relief of Harold J. Seaborg.

October 6, 1972
[H. R. 6467]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to advance Harold J. Seaborg,

Harold J. Seaborg.

captain, National Oceanic and Atmospheric Administration (retired), of Edmonds, Washington, to the rank of rear admiral (lower half) on the retired list of the National Oceanic and Atmospheric Administration.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold J. Seaborg the sum certified to him by the Secretary of Commerce as being an amount equal to the difference between (1) the retired pay which the said Harold J. Seaborg would have been entitled to receive during the period beginning January 1, 1971, and ending on the effective date of his advancement pursuant to the first section of this Act if during such period he had held the retired rank of rear admiral (lower half), and (2) the retired pay he actually received during such period.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof 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 subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 6, 1972.

Private Law 92-135

October 6, 1972
[H. R. 7946]

AN ACT

For the relief of Jerry L. Chancellor.

Jerry L. Chancellor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jerry L. Chancellor, of Wichita Falls, Texas, is relieved of liability to the United States in the amount of $131.55 representing overpayments of salary paid to him during the period from June 21, 1967, through April 10, 1969, by the Department of the Navy, United States Marine Corps, as a result of administrative error and through no fault of his own. In the audit and settlement of the 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. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jerry L. Chancellor, an amount equal to the aggregate of the 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.

(b) No part of the amount appropriated in subsection (a) of this section 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 subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 6, 1972.

Private Law 92-136

AN ACT

For the relief of David J. Foster.

October 6, 1972
[H. R. 10012]

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 David J. Foster (a former member of the United States Air Force), of Rossville, Kansas, the sum of $481.60. The payment of such sum shall be in full settlement of all claims of the said David J. Foster against the United States for failure to receive health insurance reimbursement of expenses he incurred in connection with the pregnancy of his spouse in 1970. Health insurance coverage was not made available to the said David J. Foster at the time of his separation from the United States Air Force due to an administrative error on the part of the United States Air Force and without fault on his part.

David J. Foster.

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 such claims, 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 October 6, 1972.

Private Law 92-137

AN ACT

For the relief of Herbert Improte.

October 6, 1972
[H. R. 10363]

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 Herbert Improte, postmaster of the Centereach Post Office, Centereach, New York, for the loss of $27,150 resulting from a burglary at that post office on or about August 3, 1969.

Herbert Improte.

Approved October 6, 1972.

Private Law 92-138

AN ACT

For the relief of Sara B. Garner.

October 6, 1972
[H. R. 12099]

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 Sara B. Garner, Postmaster at the Ryland, Alabama, post office, for the loss resulting from a burglary on February 7, 1971, at that post office.

Sara B. Garner.

Approved October 6, 1972.

Private Law 92-139

October 6, 1972
[H. R. 12903]

AN ACT

For the relief of Anne M. Sack.

Anne M. Sack.
80 Stat. 577.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of section 8341 of title 5, United States Code, Anne M. Sack, of Cincinnati, Ohio, shall be considered the widow of the late Robert A. Sack (CSA 1113671), notwithstanding the period of legal separation between their first and second marriages to each other.

SEC. 2. The annuity authorized by this Act shall be payable on and after January 3, 1972.

Approved October 6, 1972.

Private Law 92-140

October 12, 1972
[H. R. 11047]

AN ACT

For the relief of Donald W. Wotring.

Donald W. Wotring.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Corporal Donald W. Wotring, United States Marine Corps, retired, service number 2140988, of Savannah, Georgia, is relieved of liability to the United States in the amount of $662.61, representing overpayments of active duty pay for the period January 1, 1967, through December 31, 1967, received by him as a result of administrative error. In the audit and settlement of the 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 Donald W. Wotring an amount equal to the aggregate of the 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.

(b) No part of the amount appropriated in subsection (a) of this section 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 subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 12, 1972.

Private Law 92-141

October 12, 1972
[H. R. 11629]

AN ACT

For the relief of Corporal Bobby R. Mullins.

Cpl. Bobby R. Mullins, USMC.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Corporal Bobby R. Mullins, United States Marine Corps, retired, of Fairborn, Ohio, who suffered the loss of both legs as the result of hostile action in Vietnam, is relieved of liability to the United States in the amount of $341.49, representing the total of overpayments paid to him prior

to his retirement on May 30, 1968, such payments having been made as a result of administrative error which occurred without fault on his part and without his knowledge. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Bobby R. Mullins, an amount equal to the aggregate of any amounts already paid by him, or withheld from any sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section 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 October 12, 1972.

Private Law 92-142

AN ACT

October 18, 1972
[H. R. 2118]

For the relief of the estate of Amos E. Norby.

Amos E. Norby, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the effective date of the separate maintenance allowance granted to Amos E. Norby, in connection with his employment with the United States Army Engineer Group, Tokashiki Island, Kerama Islands, is hereby changed from February 20, 1964, to March 11, 1962, the date of his assignment to duty on Tokashiki Island. The estate of the said Amos E. Norby shall be paid, out of applicable appropriations available for payment of separate maintenance allowances, the amount of the separation allowance to which he would have been entitled from and after March 11, 1962, to February 20, 1964, in connection with his assignment to duty on Tokashiki Island, if such allowance had originally been granted on March 11, 1962.

Approved October 18, 1972.

Private Law 92-143

AN ACT

October 18, 1972
[H. R. 13780]

To authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, New York, to Sonnenberg Gardens, a nonprofit, educational corporation.

Sonnenberg Gardens, N.Y. Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized to convey by quitclaim deed, without monetary consideration, to Sonnenberg Gardens, a charitable, nonprofit, educational corporation, chartered under the education law of the State of New York, for the purpose of restoring and maintaining the Sonnenberg Estate in accordance with the terms of the cor-

porate charter, all the right, title, and interest of the United States in and to that tract of land constituting a portion of the grounds of the Veterans' Administration Hospital in Canandaigua, New York, including the improvements thereon, containing forty-five acres, more or less. The exact legal description of the real property to be conveyed pursuant to this Act shall be determined by the Administrator of Veterans' Affairs, and if a survey is required in order to make such determination, Sonnenberg Gardens shall bear the expense thereof.

SEC. 2. Any deed of conveyance made pursuant to this Act shall—

(a) provide that the land conveyed shall be used solely for the stated purpose by Sonnenberg Gardens, and in a manner that will not, in the judgment of the Administrator of Veterans' Affairs, or his designate, interfere with the care and treatment of patients in the Veterans' Administration Hospital, Canandaigua, New York;

(b) contain such additional terms, conditions, reservations, easements, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interest of the United States;

(c) provide that if Sonnenberg Gardens, or its successors in interest, violate any provision of the deed of conveyance or alienate or attempt to alienate all or any part of the parcel so conveyed, title thereto shall revert to the United States; and that a determination by the Administrator of Veterans' Affairs of any such violation or alienation or attempted alienation shall be final and conclusive; and

(d) provide that in the event of such reversion, improvements shall vest in the United States without payment of compensation therefor.

Approved October 18, 1972.

Private Law 92-144

October 21, 1972
[H. R. 10556]

AN ACT

To authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof.

Thomas A. Buiso.

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 authorized and directed, in accordance with section 4 of this Act, to convey, sell, and quitclaim all mineral interests of the United States in and to the property situated in the State of Georgia and described in section 2 of this Act to Thomas A. Buiso, the record owner of the surface thereof.

SEC. 2. The property referred to in the first section of this Act is more particularly described as follows:

All that tract or parcel of land lying or being in the Hog Mountain District, Militia District, Gwinnett County, Georgia, in Georgia Tenant Security Project of Farm Security Administration, United States Department of Agriculture, bounded on the north by lands now or formerly owned by one Humphries; on the east by lands now or formerly owned by Josh Wite; on the south by land now or formerly owned by G. W. Thomas; on the west by lands owned and developed by the government and designated as

Unit Numbered 86 of Georgia Farm Tenant Security Project and being Unit 87, Georgia Farm Tenant Security Project, and more particularly described as follows:

Beginning at a two-inch pipe with brass cap, being a common corner of a tract hereafter described, of lands owned and developed by the government and designated as Unit Numbered 86, of Georgia Farm Tenant Security Project and being the northwest property line of lands now owned or formerly owned by G. W. Thomas; thence running north 25 degrees 23 minutes and 17 seconds west, 305.70 feet; thence north 54 degrees 49 minutes and 17 seconds west, 677.10 feet; thence north 33 degrees 59 minutes and 47 seconds west, 363.60 feet; thence north 11 degrees, 37 minutes west 1178.20 feet; thence north 26 degrees. 56 minutes and 58 seconds east, 391.70 feet; thence north 59 degrees 28 minutes and 28 seconds east, 590.40 feet; thence south 19 degrees, 2 minutes 2 seconds east, 1813.59 feet; thence north 59 degrees 23 minutes and 7 seconds east, 1446.72 feet; thence south 35 degrees 49 minutes and 8 seconds east, 330.44 feet to the center line of a dirt road; thence leaving said road and running south 45 degrees and 35 minutes and 13 seconds west, 2205.96 feet to the point of beginning. Except, however, that portion thereof lying within the right of way of State Highway Numbered 13. Said excepted portion containing 1.960 acres. The net acreage of this tract is 65.299 acres, more or less.

SEC. 3. The Secretary shall require the deposit of a sum of money which he deems sufficient to cover estimated administrative costs of this Act. If conveyance is not made pursuant to this Act, and the administrative costs exceed the deposit, the Secretary shall bill the applicant for the outstanding amount, but if the amount of the deposit exceeds the actual administrative costs, the Secretary shall refund the excess.

SEC. 4. No conveyance shall be made unless application for conveyance is filed with the Secretary within six months of the date of approval of this Act and unless within the time specified by him payment is made to the Secretary of (1) administrative costs of the conveyance and (2) the fair market value of the interest to be conveyed. The amount of the payment required shall be the difference between the amount deposited and the full amount required to be paid under this section. If the amount deposited exceeds the full amount required to be paid, the applicant shall be given a credit or refund for the excess.

SEC. 5. The term "administrative costs" as used in this Act, includes, but is not limited to, all costs of (1) conducting such exploratory programs as the Secretary of the Interior deems necessary to determine the character of the mineral deposits in the land, (2) evaluating the data obtained under the exploratory programs to determine the fair market value of the mineral rights to be conveyed, and (3) preparing and issuing the instrument of conveyance.

SEC. 6. Moneys paid to the Secretary for administrative costs shall be paid to the agency which rendered the service, and deposited to the appropriation then current. Moneys paid for the minerals or mineral interests conveyed shall be deposited into the general fund of the Treasury as miscellaneous receipts.

Approved October 21, 1972.

Private Law 92-145

October 21, 1972
[H. R. 10638]

AN ACT

For the relief of John P. Woodson, his heirs, successors in interest or assigns.

John P. Woodson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey by a quitclaim deed, without consideration, to John P. Woodson, his heirs, successors in interest or assigns all right, title, and interest of the United States in and to certain real property, more particularly described as follows:

The southeast quarter of the southwest quarter, south half of the southeast quarter, section 1, township 11 north, range 17 east; and the southwest quarter of the southwest quarter, section 6, township 11 north, range 18 east, Mount Diablo meridian, California.

Approved October 21, 1972.

Private Law 92-146

October 21, 1972
[H. R. 14128]

AN ACT

For the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar.

Jorge Ortuzar-Varas and Maria Pabla de Ortuzar.
66 Stat. 163.
8 USC 1101 note.

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, Jorge Ortuzar-Varas and Maria Pabla de Ortuzar 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 fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant admissions authorized pursuant to the provisions of section 21(e) of the Act of October 3, 1965.

79 Stat. 920.
8 USC 1151 note.

Approved October 21, 1972.

Private Law 92-147

October 21, 1972
[S. 655]

AN ACT

For the relief of certain postal employees at the Elmhurst, Illinois, Post Office.

Louis H. Linneweh and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release, or discharge in whole or in part, the individual liabilities of Louis H. Linneweh, Howard D. Slavik, Edith J. Fainter, William W. Higgins, Thomas Newett, Roger Olson, and the estate of Joseph J. Holloway, employees at the Elmhurst, Illinois, Post Office, to the United States for the loss resulting from the burglary at the post office on February 21, 1965.

Approved October 21, 1972.

Private Law 92-148

AN ACT

For the relief of Wolfgang Kutter.

October 21, 1972
[S. 2275]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Wolfgang Kutter has resided in the United States since his lawful admission for permanent residence on August 13, 1962, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

Wolfgang Kutter.

66 Stat. 242.
8 USC 1427.

Approved October 21, 1972.

Private Law 92-149

AN ACT

For the relief of Kenneth J. Wolff.

October 21, 1972
[S. 2469]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Kenneth J. Wolff, of Missoula, Montana, is relieved of liability to the United States in the amount of $825.00, representing overpayment (made as a result of administrative error) of his pay while he was on active duty with the United States Marine Corps. In the audit and settlement of the 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.

Kenneth J. Wolff.

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 Kenneth J. Wolff, referred to in the first section of this Act, 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. 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 October 21, 1972.

Private Law 92-150

AN ACT

For the relief of Alberto Rodriguez.

October 21, 1972
[S. 2822]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Alberto Rodriguez has resided in the United States and any State since his lawful admission for permanent residence on December 12, 1961, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act. In the case the petition for naturalization may be filed with any court having naturalization jurisdiction.

Alberto Rodriguez.

66 Stat. 242.
8 USC 1427.

Approved October 21, 1972.

Private Law 92-151

October 21, 1972
[S. 3055]

AN ACT

For the relief of Maurice Marchbanks.

Maurice Marchbanks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Maurice Marchbanks is relieved of all liability to repay to the United States the sum of $667.20, the amount he was reimbursed by the United States in special expenses incurred in a move from the State of Texas to the State of Arizona for the purpose of employment with the United States Forest Service which expenses the United States Forest Service specially promised to pay and/or reimburse. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the respective amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maurice Marchbanks, the sum of any amounts received or withheld from him with respect to the indebtedness for which liability is relieved by this Act.

SEC. 3. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof 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 October 21, 1972.

Private Law 92-152

October 21, 1972
[S. 3583]

AN ACT

For the relief of Gerald Vincent Bull.

Gerald V. Bull.

66 Stat. 163.
8 USC 1101 note.

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, the periods of time Gerald Vincent Bull has resided in the United States shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

66 Stat. 242.
8 USC 1427.

Approved October 21, 1972.

Private Law 92-153

October 25, 1972
[S. 2147]

AN ACT

For the relief of Marie M. Ridgely.

Marie M. Ridgely.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Marie M. Ridgely of Suitland, Maryland, is relieved of liability to the United States in the amount of $2,201.75, representing amounts received by her as a civil service annuitant while she was employed by the District of Columbia Board of Education for the period beginning June 1, 1965, and ending November 30, 1967. In the audit and settlement of the 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. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marie M. Ridgely an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, with respect to the indebtedness of the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof 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 subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 25, 1972.

Private Law 92-154

AN ACT

For the relief of Magnus David Forrester.

October 25, 1972
[S.2270]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (23) of section 212(a) of the Immigration and Nationality Act, Magnus David Forrester may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act, upon the giving of a suitable and proper bond or undertaking approved by the Attorney General, in such amount and containing such conditions as he may prescribe. This Act shall apply only to the grounds for exclusion under such paragraph known to the Attorney General prior to the date of enactment of this Act.

Magnus D. Forrester.

70 Stat. 575.
8 USC 1182.

Approved October 25, 1972.

Private Law 92-155

AN ACT

To remove a cloud on the title to certain lands located in the State of New Mexico

October 25, 1972
[S. 2674]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the United States disclaims any right, title, or interest in the following-described tract of land situated within the Carson National Forest, New Mexico, such tract of land being more particularly described as follows:

Carson National Forest, N. Mex.

A tract of land containing 66.78 acres, more or less, beginning at corner numbered 1, which is located on the northerly line of the Antoine Leroux grant, as shown on official survey plat approved by the United States Surveyor General on August 25, 1909, whence corner numbered 69 of the Leroux grant survey bears south 79 degrees 45 minutes west, 20.14 chains;

thence north 79 degrees 45 minutes east, 6.06 chains (400 feet) to corner numbered 2, which is identical with the Leroux grant corner numbered 70 and located at the confluence of South Fork Canyon and the Rio Hondo;

thence north 61 degrees 30 minutes east, 4.20 chains (277.20 feet) to corner numbered 3 which is identical with corner numbered 71 and mile corner numbered 13 of the Leroux grant survey;

thence north 44 degrees 30 minutes east, 27.70 chains (1,828.20 feet) continuing along the northerly line of the Leroux grant survey to corner numbered 4;

thence south 09 degree 47 minutes east, 22.73 chains (1,500 feet) to corner numbered 5;

thence south 51 degrees 23 minutes west, 36.36 chains (2,400 feet) to corner numbered 6;

thence north 11 degrees 15 minutes west, 22.73 chains (1,500 feet) to corner numbered 1, the point of beginning.

(b) The Secretary of the Interior is authorized and directed to prepare and execute without consideration any instrument necessary to carry out the purposes of subsection (a).

Approved October 25, 1972.

Private Law 92-156

October 27, 1972
[H. R. 3786]

AN ACT

To provide for the free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wisconsin.

Marquette University.

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 admit free of duty a four octave carillon for the use of Marquette University, Milwaukee, Wisconsin.

SEC. 2. If the liquidation of the entry of the article described in the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

Approved October 27, 1972.

Private Law 92-157

October 27, 1972
[S. 909]

AN ACT

For the relief of John C. Rogers.

John C. Rogers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John C. Rogers of McMinnville, Oregon, is relieved of all liability for repayment to the United States of the sum of $135.17, representing the amount of an overpayment he received from the United States as the result of administrative error in determining the lump-sum payment for accumulated, unused leave to which the said John C. Rogers was entitled upon his discharge from active duty with the United States Navy. 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. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John C. Rogers, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section 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. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

Approved October 27, 1972.

Private Law 92-158

AN ACT

For the relief of Master Sergeant William C. Harpold, United States Marine Corps (retired).

October 27, 1972
[S. 2714]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Master Sergeant William C. Harpold, United States Marine Corps (retired), is relieved of all liability for repayment to the United States of the sum of $2,235.27, representing the amount of overpayments of retainer and retirement pay received by him from the United States Marine Corps during the period October 1, 1949, through June 30, 1971, as a result of an administrative error in computing his years of service for pay purposes, the United States Marine Corps having erroneously credited him for such purposes with a period of inactive service from November 27, 1926, through November 3, 1927.

M. Sgt. William C. Harpold, USMC.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Master Sergeant William C. Harpold (retired), the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section 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 subsection shall be deemed to be guilty of a misdemeanor and shall be fined in any amount not to exceed $1,000.

Approved October 27, 1972.

Private Law 92-159

AN ACT

For the relief of John C. Mayoros.

October 27, 1972
[S. 2753]

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 John C. Mayoros of Middletown, Connecticut, the sum of $529.84, representing the amount the said John C. Mayoros would have received for hospitalization and medical care expenses incurred by him after his separation from active duty in the United States Air Force under a policy of health care insurance but for an administrative error on the part of United States Air Force personnel who failed to notify the said John C.

John C. Mayoros.

Mayoros, at the time of his separation from active duty, that there were insufficient pay and allowances due him to cover the required premium on the health care insurance requested by him but not issued.

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 section shall be deemed to be guilty of a misdemeanor and shall be fined in any amount not to exceed $1,000.

Approved October 27, 1972.

Private Law 92-160

October 27, 1972
[S. 3257]

AN ACT

For the relief of Gary Wentworth, of Staples, Minnesota.

Gary Wentworth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Gary Wentworth, of Staples, Minnesota, is relieved of all liability for repayment to the United States of the sum of $313.22, representing the amount of an overpayment received by him from the United States Marine Corps, prior to his discharge from such corps, as a result of an administrative error in balancing his pay record.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Corporal Gary Wentworth, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section 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 is unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not to exceed $1,000.

Approved October 27, 1972.

Private Law 92-161

October 27, 1972
[S. 3326]

AN ACT

For the relief of the Appalachian Regional Hospitals, Incorporated.

Appalachian Regional Hospitals, Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Appalachian Regional Hospitals, Incorporated (hereinafter referred to as the "corporation"), a nonprofit, nonsectarian corporation organized under the laws of the State of Kentucky, is hereby relieved of all liability for repayment to the United States of the sum of $3,607,590, together with all interest accrued thereon, representing the amount owed by the corporation to the United States under the terms of a loan made to the corporation by the Area Redevelopment Administration on June 26, 1964, the forgiveness of such loan being necessary to the provision of needed hospital facilities in the Appalachian region of Kentucky, West Virginia, and Virginia.

Approved October 27, 1972.

CONCURRENT RESOLUTIONS

CONCURRENT RESOLUTIONS

SECOND SESSION, NINETY-SECOND CONGRESS

January 19, 1972
[H. Con. Res. 499]

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, January 20, 1972, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed January 19, 1972.

February 9, 1972
[H. Con. Res. 242]

"SUMMARY OF VETERANS LEGISLATION REPORTED, NINETY-SECOND CONGRESS, FIRST SESSION"

Printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That after the conclusion of the first session of the Ninety-second Congress there shall be printed for the use of the Committee on Veterans' Affairs of the House of Representatives fifty-six thousand one hundred copies of a publication entitled "Summary of Veterans Legislation Reported, Ninety-second Congress, First Session", with an additional forty-four thousand copies for the use of Members of the House of Representatives.

Passed February 9, 1972.

February 9, 1972
[H. Con. Res. 365]

CONSTITUTION OF THE UNITED STATES

Printing as House document; additional copies.

Resolved by the House of Representatives (the Senate concurring), That there is authorized to be printed as a House document the Constitution of the United States, as amended through July 5, 1971, with an analytical index and ancillaries regarding proposed amendments, prepared by Representative Emanuel Celler, of New York, to be bound with a paperback cover of the style and design used in printing House Document Numbered 124 of the Ninetieth Congress, and that two hundred and forty thousand additional copies be printed, of which twenty thousand shall be for the use of the House Committee on the Judiciary and the balance prorated to the Members of the House of Representatives.

SEC. 2. There shall be printed fifty-one thousand five hundred additional copies of the document authorized by section 1 of this concurrent resolution for the use of the Senate.

Passed February 9, 1972.

February 9, 1972
[H. Con. Res. 367]

CONSTITUTION OF THE UNITED STATES—POCKET-SIZE EDITION

Printing as House document; additional copies.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document the Constitution of the United States (pocket-size edition), as amended to July 1, 1971, and that there be printed one hundred thirty-five thousand seven hundred and fifty additional copies of such document, of which one hundred and ten thousand shall be for the use of the House of Representatives and twenty-five thousand seven hundred and fifty shall be for the use of the Senate.

Passed February 9, 1972.

February 9, 1972
[S. Con. Res. 61]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the Senate (the House of Representatives concurring), That, when the two Houses adjourn on Wednesday, February 9, 1972, the Senate stands adjourned until 12 o'clock noon on Monday, February 14, 1972, and the House of Representatives until 12 o'clock meridian on Wednesday, February 16, 1972.

Agreed to February 9, 1972.

February 16, 1972
[H. Con. Res. 524]

NATIONAL DAY OF PRAYER

Whereas the American people share with all the peoples in the world an earnest desire for peace and the relaxation of tensions among nations; and

Whereas it is the policy of the United States to engage in negotiations rather than confrontations with other nations; and

Whereas on February 21, 1972, the President of United States will begin a historic visit in the Peoples Republic of China to confer with that nation's leaders with the purpose of seeking more normal relations between the two countries and exchanging views on questions of mutual concern; and

Whereas the people of the United States hold the highest and most fervent hopes for the success of the President's mission: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—

(1) That Monday, February 21, 1972, be commemorated as a day of united support for the President's efforts in pursuit of the relaxation of international tensions and an enduring and just peace;

(2) That the leaders of all nations and men of good will throughout the world be urged to devote all possible efforts to promote the cause of peace and international harmony as set forth in the preamble to the Charter of the United Nations;

Designation authorization.

(3) That the President designate Sunday, February 20, 1972, as a National Day of Prayer for the cause of world peace; and

(4) That copies of this resolution be sent to the Governors of the several States and be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

Passed February 16, 1972.

March 9, 1972
[H. Con. Res. 554]

CORRECTION OF ENROLLED BILL H. R. 1746

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. 1746) to further promote equal employment opportunities for American workers, is authorized and directed to make the following change: In paragraph (a) of Section 4, strike out "SEC. 705." and insert in lieu thereof "SEC. 706."

Ante, p. 103.

Passed March 9, 1972.

March 14, 1972
[S. Con. Res. 67]

CORRECTION OF ENROLLED BILL S. 888

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 888), providing for the relief of David J. Crumb, is hereby authorized and directed to make the following correction: Strike out "5742(a)" and insert "5724a".

Ante, p. 1534.

Agreed to March 14, 1972.

March 14, 1972
[S. Con. Res. 68]

DUPLICATE CONFERENCE PAPERS ON S. 2097

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to prepare and sign official duplicates of the conference papers of the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

Ante, p. 65.

Agreed to March 14, 1972.

March 27, 1972
[S. Con. Res. 63]

JOINT COMMITTEE FOR INAUGURAL ARRANGEMENTS, 1973

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1973.

Agreed to March 27, 1972.

March 29, 1972
[H. Con. Res. 571]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, March 29, 1972, it stand adjourned until 12 o'clock meridian, Monday, April 10, 1972, and that when the Senate adjourns on Thursday, March 30, 1972, it stand adjourned until 12 o'clock meridian, Tuesday, April 4, 1972.

Passed March 29, 1972.

April 20, 1972
[S. Con. Res. 78]

HARRY S TRUMAN—EIGHTY-EIGHTH BIRTHDAY

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States hereby extends to the Honorable Harry S Truman, thirty-third President of the United States, its greetings and warm wishes on the occasion of his eighty-eighth birthday on May 8, 1972.

Greetings from Congress.

SEC. 2. The Congress expresses its admiration and gratitude to President Truman for his many years of distinguished service to the people of the United States and to the world community.

SEC. 3. The Congress expresses its appreciation to President Truman for his contributions as Senator, Vice President, President, author, and statesman.

Copy to Harry S Truman.

SEC. 4. A copy of this concurrent resolution shall be promptly transmitted to the distinguished "Man from Independence", Harry S Truman.

Agreed to April 20, 1972.

May 1, 1972
[S. Con. Res. 59]

"THE ELECTORAL COMMISSION OF 1877"—PAINTING

Loan to Smithsonian Institution.

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol shall, on behalf of the Congress, lend the Cornelia Fasset painting, "The Electoral Commission of 1877", located in the Capitol, to the Smithsonian Institution for the National Portrait Gallery exhibit of political memorabilia relating to elections from 1796 to 1968. Such loan shall be made so that the portrait shall be available for display by the National Portrait Gallery not later than May 2, 1972, and under procedures that will assure its proper preservation, display, and return to the Capitol as soon as practicable after September 5, 1972.

Agreed to May 1, 1972.

May 1, 1972
[S. Con. Res. 75]

FAMILY VEGETABLE GARDENS

Whereas inflation, nutrition, physical fitness, and recreation are national concerns;

Whereas a family can save on food costs, fight inflation, improve nutrition, get healthful exercise, and have fun together by planting a vegetable garden;

Whereas many citizens of the Nation have already realized the many advantages of planting a vegetable garden;

Whereas the pleasure, profit, and fulfillment of growing your own vegetables has been recognized by publications with worldwide circulation;

Whereas patriotic citizens planted victory gardens during World War II at the urging of the President of the United States for the purpose of conserving national resources and combating inflation;

Whereas our Nation is currently engaged in battle against the ravages of inflation and malnutrition, and vegetable gardens are a potent weapon against both;

Whereas the American way of fighting a problem is not boycotts and is not mere passing of laws, but is self-help and unity in pulling and working together; and

Whereas the planting of vegetable gardens will provide more food for the family's budget and will increase the vegetable supply and bring food prices down for apartment dwellers without space for gardens: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That each American family is urged, where practicable, to plant a vegetable garden for the purpose of fighting inflation, saving money, getting exercise, and having the fun and pleasure of family vegetable growing.

Agreed to May 1, 1972.

May 2, 1972
[H. Con. Res. 600]

J. EDGAR HOOVER—LIE IN STATE IN CAPITOL ROTUNDA

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the body of J. Edgar Hoover should lie in state in the Rotunda of the United States Capitol so that the citizens of the United States may pay their last respects to this great American.

Passed May 2, 1972.

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May 9, 1972
[S. Con. Res. 41]

CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

Proceedings printed as Senate document; additional copies.

Resolved by the Senate (*the House of Representatives concurring*), That the report of the proceedings of the forty-fifth biennial meeting of the Convention of American Instructors of the Deaf, held in Little Rock, Arkansas, from June 25, 1971, through July 2, 1971, be printed with illustrations as a Senate document. Five thousand five hundred additional copies of such document shall be printed and bound for the use of the Joint Committee on Printing.

Agreed to May 9, 1972.

May 10, 1972
[H. Con. Res. 557]

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS–HOUSE REPORT

Printing of additional copies.

Resolved by the House of Representatives (*the Senate concurring*), That there shall be printed five thousand additional copies of the House Report 92–911 on H.R. 11896, to amend the Federal Water Pollution Control Act, for the use of the Committee on Public Works of the House of Representatives.

Passed May 10, 1972.

May 24, 1972
[H. Con. Res. 619]

ADJOURNMENT–HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (*the Senate concurring*), That when the House adjourns on Wednesday, May 24, 1972, and that when the Senate adjourns on Thursday, May 25, 1972, they stand adjourned until 12 o'clock meridian, Tuesday, May 30, 1972.

Passed May 24, 1972.

May 30, 1972
[H. Con. Res. 483]

"REPORT OF SPECIAL STUDY OF SECURITIES MARKETS BY THE SECURITIES AND EXCHANGE COMMISSION"

Printing of copies.

Resolved by the House of Representatives (*the Senate concurring*), That there shall be reprinted for use of the Interstate and Foreign Commerce Committee one thousand copies each of a six-part House Document Numbered 95 of the Eighty-eighth Congress, first session, entitled "Report of Special Study of Securities Markets by the Securities and Exchange Commission".

Passed May 30, 1972.

May 30, 1972
[H. Con. Res. 545]

"AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA, 1971–PART 2"–HEARINGS

Printing of additional copies.

Resolved by the House of Representatives (*the Senate concurring*), That there shall be printed for the use of the Committee on Foreign Affairs, House of Representatives, one thousand five hundred addi-

tional copies of the hearings by the Subcommittee on National Security Policy and Scientific Developments in June, August, and September, 1971, entitled "American Prisoners of War in Southeast Asia, 1971—Part 2".

Passed May 30, 1972.

May 31, 1972
[H. Con. Res. 625]

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 June 1, 1972, at 9:30 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Passed May 31, 1972.

June 30, 1972
[S. Con. Res. 60]

"ENVIRONMENTAL PROTECTION ACT OF 1971"—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 Commerce two thousand additional copies of part 1 of the hearings entitled "Environmental Protection Act of 1971" held before the Senate Committee on Commerce.

Agreed to June 30, 1972.

June 30, 1972
[S. Con. Res. 62]

"STATE UTILITY COMMISSIONS—SUMMARY AND TABULATION OF INFORMATION SUBMITTED BY THE COMMISSIONS"

Printing of additional copies.

Resolved by the Senate (the House of Representatives concurring), That there be printed for use of the Senate Committee on Government Operations, one thousand additional copies of Senate Document Numbered 56, Ninetieth Congress, first session, entitled, "State Utility Commissions—Summary and Tabulation of Information Submitted by the Commissions" (September 11, 1967).

Agreed to June 30, 1972.

June 30, 1972
[S. Con. Res. 70]

CONSUMER PRODUCT SAFETY ACT OF 1971—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 Commerce two thousand additional copies each of parts 1 and 2 of its hearings during the first session, Ninety-second Congress, on the Consumer Product Safety Act of 1971.

Agreed to June 30, 1972.

June 30, 1972
[S. Con. Res. 74]

"INTERIM REPORT OF ACTIVITIES OF THE PRIVATE WELFARE AND PENSION PLAN STUDY, 1971"

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 Labor and Public Welfare two thousand additional copies of Senate Report 92–634, entitled "Interim Report of Activities of the Private Welfare and Pension Plan Study, 1971", a report by its Subcommittee on Labor pursuant to section 4 of Senate Resolution 35, Ninety-second Congress.

Agreed to June 30, 1972.

June 30, 1972
[S. Con. Res. 79]

AMPHETAMINE LEGISLATION—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 five thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, first session, on S. 674, to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such Act to schedule II, and for other purposes.

Agreed to June 30, 1972.

June 30, 1972
[S. Con. Res. 87]

HONOR AMERICA DAY

Whereas it is the sense of Congress that 1972 be recorded as the year that all freedom loving Americans demonstrate a reaffirmation of their patriotism and love and respect for these United States of America upon the occasion of the 196th anniversary of its founding; and

Whereas the Congress is aware that while many of the problems confronting America may appear to be monumental, they are problems that are surmountable through the exercise of the American spirit and will; and

Whereas the rekindling of that spirit and will can begin by honoring America: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress declares July 4, 1972, as a day to honor America, and let there be public gatherings and activities at which the people of the United States can celebrate and honor their country in appropriate manner.

Agreed to June 30, 1972.

June 30, 1972
[S. Con. Res. 88]

ADJOURNMENT—HOUSE REPRESENTATIVES AND SENATE

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, June 30, 1972, they stand adjourned until 12 o'clock noon on Monday, July 17, 1972.

Agreed to June 30, 1972.

June 30, 1972
[H. Con. Res. 530]

"HOW OUR LAWS ARE MADE"

Printing as House document; additional copies.

Resolved by the House of Representatives (the Senate concurring), That the brochure entitled "How Our Laws Are Made", as set out in House Document Numbered 144 of the Ninety-second Congress, be printed as a House document, with a suitable paperback cover of a style, design, and color, to be selected by the chairman of the Committee on the Judiciary of the House of Representatives, with emendations by Joseph Fischer, Esquire, law revision counsel of the House of Representatives Committee on the Judiciary, and with a foreword by the Honorable Emanuel Celler; and that there be printed two hundred and forty thousand five hundred additional copies, of which twenty thousand shall be for the use of the Committee on the Judiciary and the balance prorated to the Members of the House of Representatives.

SEC. 2. There shall be printed for the use of the Senate fifty-one thousand five hundred additional copies of the document specified in section 1 of this concurrent resolution.

Passed June 30, 1972.

June 30, 1972
[H. Con. Res. 552]

CONSTITUTION OF THE UNITED STATES AND DECLARATION OF INDEPENDENCE

Printing as House document; additional copies.

Resolved by the House of Representatives (the Senate concurring), That the Constitution of the United States, as amended to July 1, 1971, together with the Declaration of Independence, be printed as a House document, with an index, in such form and style as may be directed by the Joint Committee on Printing, and that two hundred and twenty thousand be printed for the use of the House of Representatives.

SEC. 2. There shall be printed for the use of the Senate fifty-one thousand five hundred additional copies of the document specified in section 1 of this concurrent resolution.

Passed June 30, 1972.

July 18, 1972
[S. Con. Res. 54]

"WAR POWERS LEGISLATION"

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 Foreign Relations five thousand additional copies of the hearings entitled "War Powers Legislation" held before the Senate Committee on Foreign Relations.

SEC. 2. There shall be printed for the use of the House of Representatives three thousand additional copies of the hearings authorized by section 1 of this concurrent resolution, five copies to be set aside for each Member of the House of Representatives.

Agreed to July 18, 1972.

July 27, 1972
[S. Con. Res. 73]

XXVTH CONGRESS OF THE INTERALLIED CONFEDERATION OF RESERVE OFFICERS

Whereas the Interallied Confederation of Reserve Officers (CIOR), an association of reserve officers from twelve of the nations comprising the North Atlantic Treaty Organization, will hold its XXVth Congress at Washington, District of Columbia, August 7 through August 13, 1972; and

Whereas the Reserve Officers Association of the United States and the Department of Defense will serve as joint hosts to such XXVth Congress; and

Whereas the United States, through the Department of Defense, will conduct military competitions in conjunction with and as a constituent part of such XXVth Congress: Now, therefore, be it

Congressional welcome.

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States extends to the Interallied Confederation of Reserve Officers a cordial welcome to the United States on the occasion of the XXVth Congress of that organization to be held in Washington, District of Columbia, August 7 through August 13, 1972, and commends the joint effort of the Reserve Officers Association of the United States and the Department of Defense in hosting the XXVth Congress of that organization, and urges all departments and agencies of the Government to cooperate with and assist the Interallied Confederation of Reserve Officers in carrying out its activities and programs during the period referred to above.

Agreed to July 27, 1972.

July 31, 1972
[H. Con. Res. 648]

CONGRESSIONAL ADJOURNMENT IN EXCESS OF THREE DAYS OR SINE DIE

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the provisions of sec. 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (P.L. 91–510; 84 Stat. 1193), the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

Passed July 31, 1972.

August 11, 1972
[H. Con. Res. 560]

HOUSING AND URBAN ENVIRONMENT—REPORT AND RECOMMENDATIONS

Printing of copies.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Committee on Banking and Currency of the House of Representatives five thousand copies of the committee print entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing Including Summaries of the Administration's Housing Consolidation and Simplification Act of 1971, and Community Development Act of 1971," printed for the use of the Committee on Banking and Currency.

Passed August 11, 1972.

August 11, 1972
[H. Con. Res. 605]

"OUR FLAG"

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 House document "Our Flag"; and that two hundred and seventy-one thousand additional copies be printed, of which two hundred and nineteen thousand five hundred shall be for the use of the House of Representatives, and fifty-one thousand five hundred shall be for the use of the Senate.

Passed August 11, 1972.

August 18, 1972
[S. Con. Res. 94]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Friday, August 18, 1972, it stand adjourned until 10:00 o'clock antemeridian on Tuesday, September 5, 1972, and that when the House adjourns on Friday, August 18, 1972, it stand adjourned until 12:00 noon on Tuesday, September 5, 1972.

Agreed to August 18, 1972.

September 13, 1972
[H. Con. Res. 698]

CORRECTION OF ENROLLED BILL S. 3442

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes, the Secretary of the Senate shall correct the title so as to read: "An Act to amend the Public Health Service Act to extend and revise the program of assistance under that Act for the control and prevention of communicable diseases."

Ante, p. 748.

Passed September 13, 1972.

September 19, 1972
[H. Con. Res. 550]

SECURITY APPARATUS—INSTALLATION IN UNITED STATES CAPITOL BUILDINGS

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol, under the direction of the Committee on House Administration and the Senate Committee on Rules and Administration, is authorized and directed, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), to procure and install security apparatus for the protection of the United States Capitol, including the procurement and installation of a video surveillance system, an intrusion detection system, and a parcel inspection system, in the Capitol Buildings, as such term is defined in section 16(a)(1) of the Act of July 31, 1946, as amended (81 Stat. 277; 40 U.S.C. 193m(a)(1)). The cost of the acquisition and installation of such security apparatus, not to exceed $3,000,000, shall be paid from funds hereafter provided to the Architect of the Capitol under the appropriation "Capitol Buildings", for that purpose.

Passed September 19, 1972.

September 20, 1972
[H. Con. Res. 553]

VETERANS LEGISLATION, NINETY-SECOND CONGRESS, SECOND SESSION

Printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That after the conclusion of the second session of the Ninety-second Congress there shall be printed for the use of the Committee on Veterans' Affairs of the House of Representatives fifty-six thousand one hundred copies of a publication entitled "Summary of Veterans Legislation Reported, Ninety-second Congress, Second Session", with an additional forty-four thousand copies for the use of Members of the House of Representatives.

Printing of copies.

SEC. 2. After the conclusion of the second session of the Ninety-second Congress there shall be printed for the use of the Committee on Veterans' Affairs of the United States Senate twenty thousand copies of a publication similar to that authorized by the first section of this concurrent resolution, but with emphasis upon matters relating to veterans' affairs considered by the Senate or by the Committee on Veterans' Affairs of the Senate.

Passed September 20, 1972.

September 20, 1972
[S. Con. Res. 31]

"FEDERAL AND STATE STUDENT AID PROGRAMS, 1972"

Printing as Senate document; additional copies.

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Federal and State Student Aid Programs, 1972", prepared by the Library of Congress for the Senate Committee on Labor and Public Welfare be printed as a Senate document; and that there be printed sixty-eight thousand two hundred additional copies of such document, of which forty-four thousand copies shall be for the use of the House of Representatives, ten thousand three hundred copies shall be for the use of the Senate, ten thousand copies shall be for the use of the Senate Committee on Labor and Public Welfare, and four thousand copies shall be for the use of the House Committee on Education and Labor.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balances shall revert to the respective Senate and House document rooms.

Agreed to September 20, 1972.

September 26, 1972
[S. Con. Res. 99]

SOCIAL SECURITY AMENDMENTS OF 1972—SENATE REPORT

Printing of additional copies.
Ante, p. 1329.

Resolved by the Senate (the House of Representatives concurring), That there be printed five thousand additional copies of the Senate report to accompany H.R. 1, the Social Security Amendments of 1972, of which two thousand copies shall be for the use of the Senate Committee on Finance, one thousand five hundred copies shall be for the use of the Senate Document Room, and one thousand five hundred copies shall be for the use of the House Document Room.

Agreed to September 26, 1972.

MARK A. SPITZ AND UNITED STATES OLYMPIC TEAM—CONGRESSIONAL COMMENDATION

September 27, 1972
[H. Con. Res. 701]

Resolved by the House of Representatives (the Senate concurring), That—

(1) Mark Andrew Spitz, of Carmichael, California, is commended for the individual excellence, skill, and perseverance that earned him a record seven gold medals in swimming in the XX Olympiad, the historically significant achievement of being the first Olympic contestant to ever win seven gold medals in one Olympiad, and the recognition of being the outstanding Olympian of modern times;

(2) The Congress notes with praise the determination and exceptional athletic ability displayed, individually and in team concert, by the many fine athletes who represented the United States during the 1972 Olympic games in Munich, Germany, and commends the 1972 United States Olympic team for its athletic performance in the XX Olympiad.

Passed September 27, 1972.

DICKINSON COLLEGE—TWO HUNDREDTH ANNIVERSARY

October 4, 1972
[S. Con. Res. 90]

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States extends its greetings and congratulations to Dickinson College, Carlisle, Pennsylvania, on the occasion of the observance and celebration by that institution of its two hundredth anniversary, and expresses its recognition of the contribution which Dickinson College has made to educational excellence, and its appreciation of the leadership role which many distinguished alumni of Dickinson have played in the life and affairs of this Nation.

Agreed to October 4, 1972.

DISTRICT OF COLUMBIA GOVERNMENT ORGANIZATION—HOUSE REPORT

October 6, 1972
[H. Con. Res. 679]

Resolved by the House of Representatives (the Senate concurring), That there shall be printed in addition to the original press run two thousand and five hundred copies each of volume I, and one thousand five hundred copies each of volumes II and III of the House document containing the report of the Commission on the Organization of the Government of the District of Columbia, for the use of the House Committee on the District of Columbia.

Printing of additional copies.

Passed October 6, 1972.

"CORRECTIONS"

October 6, 1972
[H. Con. Res. 681]

Resolved by the House of Representatives (the Senate concurring), That there shall be printed one thousand copies each of parts I through VI of serial 15 hearings entitled "Corrections", Ninety-second Congress, for use of the House Committee on the Judiciary.

Printing of copies.

Passed October 6, 1972.

October 6, 1972
[H. Con. Res. 716]

CORRECTIONS OF ENROLLED BILL H. R. 56

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. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, is authorized and directed to make the following corrections:

On page 1, line 7, of the House engrossed bill, strike out "NATIONAL ENVIRONMENTAL DATA SYSTEM" and insert the following: "SHORT TITLE".

On page 2 of the House engrossed bill, between lines 18 and 19, insert the following center heading: "NATIONAL ENVIRONMENTAL DATA SYSTEM".

On page 3, line 7, of the House engrossed bill, before the period insert the following: ", knowledge, and data".

On page 3, line 8, of the House engrossed bill, after "Information" insert the following: ", knowledge,".

On page 3 of the House engrossed bill, between lines 12 and 13, insert the following center heading: "AVAILABILITY OF INFORMATION, KNOWLEDGE, AND DATA".

On page 4 of the House engrossed bill, between lines 11 and 12 insert the following center heading: "DIRECTOR OF THE DATA SYSTEM".

On page 6 of the House engrossed bill, between lines 9 and 10 insert the following center heading: "ADMINISTRATIVE PROVISIONS".

On page 6, line 22, of the House engrossed bill, before "data," insert the following: "knowledge, and".

On page 6 of the House engrossed bill, between lines 23 and 24 insert the following center heading: "INTERAGENCY COOPERATION".

On page 8 of the House engrossed bill, between lines 13 and 14 insert the following center heading: "AUTHORIZATION OF APPROPRIATIONS".

Passed October 6, 1972.

October 11, 1972
[H. Con. Res. 717]

CORRECTION OF ENROLLED BILL H. R. 10420

Ante, p. 1027.

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. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, is authorized and directed to make the following correction:

On page 11 of the conference report, on line 1, insert the word "of" after the word "conditions".

Passed October 11, 1972.

October 12, 1972
[H. Con. Res. 719]

CORRECTION OF ENROLLED BILL H. R. 7117

Ante, p. 1182.

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. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for

charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, is authorized and directed to strike out "lieu of" on page 1, line 6, of the House engrossed bill and insert the following: "lieu thereof".

Passed October 12, 1972.

October 13, 1972
[H. Con. Res. 721]

CORRECTIONS OF ENROLLED BILL S. 3507

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, the Secretary of the Senate shall make the following corrections:

Ante, p. 1280.

(1) In subsection (h) of section 305, strike out "1975" and insert in lieu thereof "1977".

(2) In the section heading of section 312, strike out "ESTAURINE" and insert in lieu thereof "ESTUARINE".

Passed October 13, 1972.

October 13, 1972
[S. Con. Res. 98]

"SEPARATION OF POWERS AND THE NATIONAL LABOR RELATIONS BOARD: SELECTED READINGS"

Resolved by the Senate (the House of Representatives concurring), That the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings", prepared for the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary by Doctor James R. Wason of the University of Maryland, formerly specialist in labor economics and relations, Economics Division, Legislative Reference Service, the Library of Congress; and the Congressional Research Service and the Library of Congress, in cooperation with the staff of the Subcommittee on Separation of Powers, be printed as a Senate document.

Printing as Senate document.

SEC. 2. There shall be printed for the use of the Senate Committee on the Judiciary one thousand additional copies of the document authorized by section 1 of this concurrent resolution.

Additional copies.

Agreed to October 13, 1972.

October 14, 1972
[H. Con. Res. 710]

AMERICAN PUBLIC HEALTH ASSOCIATION–ONE HUNDREDTH ANNIVERSARY

Resolved by the House of Representatives (the Senate concurring), That the Congress extends its greetings and felicitations to the American Public Health Association on the occasion of the one hundredth anniversary of its founding.

Passed October 14, 1972.

October 14, 1972
[H. Con. Res. 718]

"SECURITIES INDUSTRY STUDY"

Printing of copies.

Resolved by the House of Representatives (the Senate concurring), That there shall be reprinted for the use of the House Committee on Interstate and Foreign Commerce four thousand copies of House Report 92-1519, entitled "Securities Industry Study".

Passed October 14, 1972.

October 17, 1972
[H. Con. Res. 724]

CORRECTIONS OF ENROLLED BILL H. R. 1

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 1) to amend the Social Security Act, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

Ante, p. 1329.

1. At the end of the table of contents, add the following:

Sec. 405. Separation of social services not required.
Sec. 406. Manuals and policy issuances not required without charge.
Sec. 407. Effective date of fair hearing decision.
Sec. 408. Absence from State for more than 90 days.
Sec. 409. Rent payments to public housing agency.
Sec. 410. Statewideness not required for services.
Sec. 411. Prohibition against participation in food stamp or surplus commodities program by persons eligible to participate in employment or assistance programs.
Sec. 412. Child welfare services.
Sec. 413. Safeguarding information.

2. In section 137 of the bill, strike out "(a)" after "SEC. 137.".

3. In section 283 of the bill—

(A) strike out "(including a single service rehabilitation facility)" in subsection (a);

(B) strike out "; except that" and all that follows down through "provided" in subsection (a);

(C) redesignate subsection (b) as subsection (c); and

(D) insert the following new subsection after subsection (a):

(b) Section 1835(a)(2) of such Act (as amended by section 251 of this Act) is further amended—

(1) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(2) by adding after subparagraph (C) the following new subparagraph:

"(D) in the case of outpatient speech pathology services, (i) such services are or were required because the individual needed speech pathology services, (ii) a plan for furnishing such services has been established and is periodically reviewed by a physician, and (iii) such services are or were furnished while the individual is or was under the care of a physician.".

4. In section 301 of the bill, in the proposed new section 1614(a)(1), before the period at the end of clause (B) insert the following: "(including any alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act)".

5. In section 306 of the bill, strike out "October" the second place it appears and insert "September".

6. In section 403 of the bill, strike out all that follows the colon and insert the following:

(1) the amount, not to exceed $50,000,000, payable to the State (as determined without regard to such section 1130) with respect

to the total expenditures incurred by the State for services (of the type, and under the programs to which the allotment, as determined under such subsection (b), is applicable) for the calendar quarter commencing July 1, 1972, plus

(2) an amount equal to three-fourths of the amount of the allotment of such State (as determined under such subsection (b), but without application of the provisions of this section):

Provided, however, That no State shall receive less under this section than the amount to which it would have been entitled otherwise under section 1130 of the Social Security Act.

7. After section 411 of the bill, add the following new sections:

CHILD WELFARE SERVICES

SEC. 412. Effective with respect to fiscal years beginning after June 30, 1972, section 420 of the Social Security Act is amended by striking out "$55,000,000 for the fiscal year ending June 30, 1968, $100,000,000 for the fiscal year ending June 30, 1969, and $110,000,000 for each fiscal year thereafter" and inserting in lieu thereof "$196,000,000 for the fiscal year ending June 30, 1973, $211,000,000 for the fiscal year ending June 30, 1974, $226,000,000 for the fiscal year ending June 30, 1975, $246,000,000 for the fiscal year ending June 30, 1976, and $266,000,000 for each fiscal year thereafter".

SAFEGUARDING INFORMATION

SEC. 413. (a) Section 2(a)(7) of the Social Security Act is amended to read as follows:

"(7) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;".

(b) Section 1002(a)(9) of such Act is amended to read as follows:

"(9) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;".

(c) Section 1402(a)(9) of such Act is amended to read as follows:

"(9) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;".

(d) Section 1602(a)(7) of such Act is amended to read as follows:

"(7) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;".

RECIPIENTS OF ASSISTANCE FOR THE AGED, BLIND, AND DISABLED INELIGIBLE

SEC. 414. (a) Section 402(a) of the Social Security Act is amended (1) by striking out the period at the end thereof and inserting in lieu of such period "; and", and (2) by adding at the end thereof the following new clause: "(24) if an individual is receiving benefits under

title XVI, then, for the period for which such benefits are received, such individual shall not be regarded as a member of a family for purposes of determining the amount of the benefits of the family under this title and his income and resources shall not be counted as income and resources of a family under this title."

Effective date.

(b) The amendments made by subsection (a) shall be effective on and after January 1, 1973.

Passed October 17, 1972.

October 18, 1972
[H. Con. Res. 726]

ADJOURNMENT SINE DIE

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Wednesday, October 18, 1972, and that when they adjourn on said day, they stand adjourned sine die.

Passed October 18, 1972.

PROCLAMATIONS

PROCLAMATIONS

PROCLAMATION 4098

Termination of Additional Duty for Balance of Payments Purposes

By the President of the United States of America

December 20, 1971

A Proclamation

WHEREAS, in order to impose a surcharge required by the balance of payments position of the United States, Proclamation 4074, dated August 15, 1971, terminated in part for such period as necessary prior Presidential Proclamations insofar as such proclamations were inconsistent with, or proclaimed duties different from, those made effective pursuant to the terms of Proclamation 4074;

85 Stat. 926.
19 USC prec. 1202 note.

WHEREAS, a multilateral agreement has been reached among the Group of Ten major industrial nations which permits removal of the surcharge;

WHEREAS, under section 350(a)(6) of the Tariff Act of 1930, as amended (hereinafter referred to as "the Tariff Act"), and section 255(b) of the Trade Expansion Act of 1962 (hereinafter referred to as "the TEA"), and other authority, the President may, at any time, terminate, in whole or in part, for such period as may be necessary, any proclamation, issued pursuant to section 350 of the Tariff Act or Title II of the TEA;

69 Stat. 165; 72 Stat. 673. 19 USC 1351. 76 Stat. 880. 19 USC 1885. 19 USC 1821.

WHEREAS, under section 350(a)(1)(B) of the Tariff Act and section 201(a)(2) of the TEA, the President may proclaim modifications of any existing duty as he determines to be required or appropriate to carry out trade agreements entered into under the authority of those Acts; and

WHEREAS, I hereby determine that modification of existing duties to restore the rates of duty applicable on August 15, 1971, terminated in part for such period as necessary by Proclamation 4074, is required or appropriate to carry out such trade agreements;

85 Stat. 926.
19 USC prec. 1202 note.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including, but not limited to, the Tariff Act, and the TEA, respectively, do proclaim as follows:

19 USC 1654, 1801 note.

A. I hereby terminate paragraphs B and C of Proclamation 4074.

85 Stat. 927.
19 USC prec. 1202 note.

B. I hereby proclaim such modification of duties as is necessary to restore the rates of duty in effect on August 15, 1971.

C. To implement this Proclamation, the subpart inserted after subpart B of part 2 of the Appendix to the Tariff Schedules of the United States, entitled "SUBPART C—TEMPORARY MODIFICATIONS FOR BALANCE OF PAYMENTS PURPOSES" is deleted therefrom.

85 Stat. 927.
19 USC 1202.

D. This Proclamation shall be effective with respect to merchandise entered, or withdrawn from warehouse, for consumption on or after December 20, 1971.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of December in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

PROCLAMATION 4099

Modifying Proclamation No. 3279, Relating to Imports of Petroleum and Petroleum Products

December 20, 1971

By the President of the United States of America

A Proclamation

The Director of the Office of Emergency Preparedness, with the advice of the Oil Policy Committee, has found that the national security will not be adversely affected by changes in the oil import control program which would increase licensed imports into Districts I–IV, including the

Canadian Component of those imports, by approximately 100,000 barrels per day during 1972 over the 1971 level of imports.

The Director, with the advice of the Oil Policy Committee, has recommended that Proclamation No. 3279, as amended, be further amended to adjust imports in conformity with that finding. He has, with the advice of the Oil Policy Committee, also recommended that the quantity of crude oil, unfinished oils, and finished products that may be imported into Districts I–IV continue to be determined on the basis of 12.2% of the quantity of crude oil and natural gas liquids which the Secretary of the Interior estimates will be produced in those districts, adjusted to reflect other national security determinations.

73 Stat. C25. 19 USC 1862 note.

I agree with the above finding and recommendation of the Director and deem it necessary and consistent with the security objectives of Proclamation No. 3279, as amended, to adjust the imports of petroleum and petroleum products, and to improve the administration of the program, as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective as of this date, Proclamation No. 3279, as amended, is further amended as follows:

76 Stat. 877. 19 USC 1862.

1. Paragraph (a) of Section 1A is amended as follows:

84 Stat. 2265. 19 USC 1862 note.

(a) In subparagraph (1) substitute "through December 31, 1972" for "during the period March 1, 1970 through December 31, 1971."

(b) Subparagraph (2) is deleted.

(c) Subparagraph (3) is renumbered as subparagraph (2) and revised to read as follows:

"During the period January 1, 1972 through December 31, 1972, Canadian imports under allocations made pursuant to this subparagraph (2) into Districts I–IV shall not exceed an average of 540,000 barrels per day. Entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1973 under any license authorizing such imports from Canada for that period and until midnight January 15, 1972 under any license authorizing such imports from Canada for the preceding allocation period. The Secretary shall by regulation provide for allocations of such imports. The regulations shall provide that licenses issued under such allocations shall permit the entry, or withdrawal from warehouses, for consumption of Canadian imports only."

(d) Subparagraph (4) is renumbered as subparagraph (3).

2. In subparagraph (1) of paragraph (a) of Section 2 substitute "965,000" for "960,000."

84 Stat. 2266; *Post*, p. 1636. 19 USC 1862 note.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of December, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4100

National Parks Centennial Year

January 5, 1972

By the President of the United States of America

A Proclamation

In John Colter's saga of adventure, we find the genesis of an idea which was to change man from nature's ancient adversary to its friend and preserver. In 1806, this guide and trapper for Lewis and Clark left the expedition on its return journey and set off on a series of exploits that brought him, alone and on foot, into an unknown wilderness of majestic splendor. He carried back tales which prompted scoffing disbelief, then awe, and finally an unending cavalcade to the headwaters of the Yellowstone River. Years later, on March 1, 1872, in an Act signed by President Grant, Colter's discovery was established as the first national park for the people of the Nation and of the world.

16 USC 21, 22 and notes.

A century has come and gone, and in that time the National Park System has grown to include 280 areas embracing the most magnificent examples of America's natural and historical heritage. In every time and season, our parks give of their joys and beauties. They have enriched the citizens of this land beyond measure, and have inspired more than 100 nations to set aside over 1,200 national parks and reserves. Truly, "one touch of nature makes the whole world kin." And this past year, through the Legacy of the Parks, we have embarked on a new era of bringing parks to the people with the opening of vast new tracts of wilderness and recreation land, a fitting close to the first 100 years of our National Park System and a proper beginning for the next 100 years.

16 USC 1 note.

As directed by the Congress in a joint resolution of July 10, 1970 (84 Stat. 427), the Secretary of the Interior has requested me to issue a proclamation designating the year 1972 as National Parks Centennial Year in recognition of the establishment in 1872 of Yellowstone National Park, the world's first national park.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the year 1972 as National Parks Centennial Year.

I urge appropriate Federal, State, and local government officials to cooperate in the observance of that year with activities that will not only honor the past but will provide a focus for understanding the increasing importance of the National Park System in the lives of all Americans, establish an atmosphere of cooperation among private citizens and local, State, and Federal governments regarding the national park concept, and encourage our citizens and our friends beyond our borders to participate in Centennial activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of January, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4101

Supplementing Proclamations Providing for Registration Under the Military Selective Service Act, as Amended

By the President of the United States of America

January 13, 1972

A Proclamation

Under authority vested in him by the Military Selective Service Act (62 Stat. 604), as amended, the President by 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, and No. 3314 of September 14, 1959, provided 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.

85 Stat. 348.
50 USC app. 451.
62 Stat. 1531.
65 Stat. C27, C30.
65 Stat. C35.
66 Stat. C28.
73 Stat. C78.
50 USC app. 453 note.

Public Law 92–129, approved September 28, 1971, excluded from the requirement of registration under section 3 of the said act any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States.

84 Stat. 116.

Certain provisions of the aforesaid proclamations refer to persons who shall be registered on the day they attain the eighteenth anniversary of the day of their birth or within five days thereafter.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the Military Selective Service Act, as amended, do proclaim that the registration of persons shall continue to be accomplished in accordance with the provisions of the aforesaid proclamations except (1) that aliens excluded from the requirement of registration by Public Law 92–129 approved September 28, 1971 shall not be registered, and (2) that persons required by the aforesaid proclamations to be registered on the day they attain the eighteenth anniversary of the day of their birth or within five days thereafter shall be registered on the day they attain the eighteenth anniversary of the day of their birth or within the period of sixty days commencing thirty days before such date.

50 USC app. 451.

85 Stat. 348.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of January, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4102

Adjustment of Duties on Certain Sheet Glass

January 29, 1972

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, the President, by Proclamations No. 2761A of December 16, 1947, No. 2929 of June 2, 1951, and No. 3140 of June 13, 1956 (61 Stat. (pt. 2) 1103, 65 Stat. c12, and 70 Stat. c33), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out trade agreements into which he had entered;

48 Stat. 943. 19 USC 1351.

2. WHEREAS among the proclaimed modifications were modifications in the rates of duty on glass of the kinds which are now provided

for in items 542.11 through 542.98 of the Tariff Schedules of the United States (hereinafter referred to as "sheet glass"); 77A Stat. 246. 19 USC 1202.

3. WHEREAS, pursuant to section 351(a)(1) of the Trade Expansion Act of 1962 (hereinafter "TEA") (19 U.S.C. 1981(a)(1)) and in accordance with Article XIX of the General Agreement on Tariffs and Trade (hereinafter "GATT") (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), the President by Proclamation No. 3967 of February 27, 1970 (35 F.R. 3975), proclaimed increased duties on imports of sheet glass in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States (hereinafter "TSUS") which duties are scheduled to be reduced on January 31, 1972; 76 Stat. 899. 84 Stat. 2216. 19 USC 1202 note. 77A Stat. 435.

4. WHEREAS, pursuant to section 301(b)(1) of the TEA (19 U.S.C. 1901(b)(1)) the Tariff Commission on August 16, 1971, instituted an investigation, the report to the President on which is to be made not later than January 31, 1972, to determine whether glass of the kinds provided for in items 541.11 through 541.31, 542.11 through 542.98, 543.11 through 543.69 and 544.31 through 544.32 of the TSUS are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive products; 76 Stat. 883.

5. WHEREAS, pursuant to section 351(c)(2) of the TEA (19 U.S.C. 1981(c)(2)), after taking into account advice received from the Tariff Commission under section 351(d)(3) of the TEA (19 U.S.C. 1981(d)(3)) and after seeking advice of the Secretaries of Commerce and Labor, I have determined that the extension as hereinafter proclaimed of the increased duties currently in effect on imports of sheet glass provided for in items 923.31 through 923.75 of the TSUS from January 31, 1972 to April 30, 1972 is in the national interest; 76 Stat. 899.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 351(c)(2) of the TEA, do proclaim that—

1. The tariff concessions on sheet glass in Part I of Schedule XX to the GATT shall be modified in part as provided for in paragraph 2 below; 19 UST 1227.

2. Effective with respect to items entered, or withdrawn from warehouse, for consumption during the period commencing on the date of this proclamation and terminating at the close of January 31, 1974, so much of Subpart A of Part 2 of the Appendix to the TSUS as follows item 922.50 and precedes item 924.00 is modified to read as set out in the annex to this proclamation. 84 Stat. 2218. 19 USC 1202.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January in the year of our Lord nineteen hundred and seventy-two, and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

		Effective on and after—		
		Feb. 27, 1970	Apr. 30, 1972	Jan. 31, 1973
	Glass (including blown or drawn glass, but excluding cast or rolled glass and excluding pressed or molded glass) (whether or not containing wire netting), in rectangle, not ground, not polished and not otherwise processed, weighing over 16 oz. but not over 28 oz. per sq. ft., provided for in items 542.31–.35, inclusive, and 542.71–.75, inclusive, of part 3B of schedule 5:			
	Ordinary glass:			
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:			
923.31	Measuring not over 40 united inches (item 542.31).	1.1¢ per lb.	1¢ per lb.	0.9¢ per lb.
923.33	Measuring over 40 but not over 60 united inches (item 542.33).	1.5¢ per lb.	1.3¢ per lb.	1.1¢ per lb.
923.35	Measuring over 60 but not over 100 united inches (item 542.35).	1.5¢ per lb.	1.4¢ per lb.	1.3¢ per lb.
	Colored or special glass:			
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:			
923.71	Measuring not over 40 united inches (item 542.71).	1.1¢ per lb. +2.5% ad val.	1¢ per lb. +2.5% ad val.	0.9¢ per lb. +2.5% ad val.
923.73	Measuring over 40 but not over 60 united inches (item 542.73).	1.5¢ per lb. +2.5% ad val.	1.3¢ per lb. +2.5% ad val.	1.1¢ per lb. +2.5% ad val.
923.75	Measuring over 60 but not over 100 united inches (item 542.75).	1.5¢ per lb. +2.5% ad val.	1.4¢ per lb. +2.5% ad val.	1.3¢ per lb. +2.5% ad val.

PROCLAMATION 4103

Spokane International Exposition of 1974

By the President of the United States of America

January 31, 1972

A Proclamation

In May, 1974, a six-month International Exposition on the Environment will open in Spokane, Washington, inviting the nations of the world to think anew of man's relationship to Earth.

This Exposition, whose theme is "Progress Without Pollution", will not only mark the centennial of Spokane but will also provide a splendid setting in which to explore new ways to restore and preserve our natural surroundings.

Because of the opportunities which the Exposition offers for a deeper understanding of environmental issues and for stimulating trade and cultural exchange, this administration is moving to extend the fullest possible recognition to this event in accordance with Public Law 91–269. On October 15, 1971, I advised the Secretaries of State and Commerce that the Exposition warrants Federal recognition as provided by statute. On November 24, 1971, upon request of the United States, the Bureau of International Expositions in Paris officially recognized the event as a Special Category exposition by unanimous vote.

84 Stat. 271.
22 USC 2801.

Also, in accordance with law, I shall appoint a United States Commissioner General to exercise the responsibility of the United States Government for fulfillment of the Convention Relating to International Expositions of November 22, 1928, as modified, and to invite the several States of the Union to participate.

19 UST 5927.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in further recognition of this international exposition, do hereby authorize and direct the Secretary of State to invite, on my behalf, such foreign countries as he may consider appropriate to participate in this event.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of January, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4104

American Heart Month, 1972

February 2, 1972

By the President of the United States of America

A Proclamation

More than 27 million Americans—one-eighth of our entire population—are affected by diseases of the heart and blood vessels. The cost in human terms—the most important cost—cannot be counted. We do know, however, that the economic impact of cardiovascular diseases totals some $30.5 billion each year, including the cost of medical care and lost income. Such diseases also result in a loss of about 38 million man-days of production annually.

Despite the remarkable advances that have been made in recent years, cardiovascular diseases remain our Nation's most pressing health problem. The continued cooperation of the public and private sectors is needed if we are to discover the underlying causes of coronary artery diseases, develop more effective methods of detecting and controlling high blood pressure, and find ways of preventing inborn heart defects.

In addition to sustaining research in these fields, professional and public education programs and community services must be intensified in order to bring the benefits of such research promptly to the people. America has the second highest heart disease rate in the world. As I said in my recent message on the state of the Union: the incidence of heart disease can be reduced in this country and we must do all that is possible to achieve such a reduction.

To encourage a continuing effective attack on cardiovascular diseases, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 843), requested the President to issue annually a proclamation designating February as American Heart Month.

36 USC 169b.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of February 1972 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to consider fully the nationwide problem of heart disease and to contribute to efforts aimed at countering it. Widespread support for programs to prevent premature deaths from heart disease and stroke is essential to combat this number-one threat to the Nation's health.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4105

National Safe Boating Week, 1972

By the President of the United States of America

February 5, 1972

A Proclamation

Boating on our Nation's waterways has become a source of recreational pleasure for a rapidly increasing number of Americans. Increased use means more enjoyment for more people, but it carries with it an increased responsibility as well. Those who use our waterways must take greater care to observe the rules of good seamanship and of boating safety.

To focus national attention on the need for safe boating practices, the Congress, by a joint resolution approved June 4, 1958 (72 Stat. 179), requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week. 36 USC 161.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 2, 1972, as National Safe Boating Week.

Many boating tragedies could be avoided through education and common sense. I urge all Americans who use our waterways to take advantage of the numerous boating safety courses offered by governmental and private organizations, such as the United States Coast Guard, the Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross, and various State agencies.

Last August I signed into law the Federal Boat Safety Act of 1971, designed to improve boating safety and to encourage State participation in boating safety efforts. I invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Commissioner of the District of Columbia to cooperate in implementing that act, and in providing for the observance of National Safe Boating Week. 85 Stat. 213. 46 USC 1451 note.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4106

Law Day, USA, 1972

February 8, 1972

By the President of the United States of America

A Proclamation

Reminiscing once about his long and distinguished career in the law, the late Felix Frankfurter pointedly recalled how a dispute over a legal question had ended with a colleague on the Harvard Law School faculty.

"You take law awfully seriously," his friend chided him.

Yes, Professor Frankfurter replied quietly, "That's one accusation against which I plead guilty without reservation."

"I do take law very seriously," he maintained, "because fragile as reason is and limited as law is as the expression of the institutionalized medium of reason, that's all we have standing between us and tyranny of mere will and the cruelty of unbridled, undisciplined feeling."

As America prepares to celebrate this year the fifteenth annual observance of Law Day, USA, we have only to reflect for a moment upon the impact of law in order to appreciate the reverence in which it was held by Justice Frankfurter.

Unquestionably, the rule of law underlies our entire social, economic and governmental structure. Under it, men and women can buy and sell, marry, express their personal opinions, and engage in a vast array of other activities with the assurance that their contracts will be enforced and their liberties protected. Without it, America would not have realized its unparalleled growth in prosperity, individual freedom, and equality of opportunity.

Law Day is not a day set aside for lawyers, but was established by the Congress to encourage every citizen to think anew of the central role of law in our society. This year many observances will be designed

to promote greater efforts to renew our governmental institutions, strengthen the legal structure, and encourage a wider acceptance of the responsibilities of citizenship. The law, as Daniel Webster said, "has honored us, may we honor it."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request the observance of Monday, May 1, 1972, as Law Day in the United States of America.

And, as requested by the Congress, I urge that our people observe Law Day with appropriate public ceremonies, through public bodies and private organizations, in schools and other suitable places. I especially request that the legal profession, all media of public information, and the courts take the lead in sponsoring, participating and publicizing observances throughout the Nation. And, I call upon public officials to display the Nation's flag on public buildings on that day.

75 Stat. 43.
36 USC 164.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord, nineteen-hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4107

National Action for Foster Children Week

By the President of the United States of America

February 11, 1972

A Proclamation

A child without love lives in a cruel and often terrifying world. Yet in our midst each year are more than a quarter of a million children—of all ages, all ethnic groups, some with health handicaps, many bearing the emotional scars of life's experiences—who no longer live with their natural parents. They need love, and their best hope often rests with foster parents.

Time and again, experience has shown that these children grow and develop better when they have the individualized love and nurture of a generous foster father and mother. If deprived of close parental

relationship, children—especially young children—are often damaged for life in their emotional and intellectual growth. Today many more foster parents are needed for the children in our society who, for whatever the reason, cannot remain in their own homes.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of April 9 through April 15, 1972, as National Action for Foster Children Week.

I urge national, State and local government officials, voluntary agencies and private groups during that week to give special attention to the needs of foster children, to plan concerted action between agencies and citizens for improving and expanding services for foster children, to assist in the rehabilitation of their families, and to help recruit more foster parents.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4108

Save Your Vision Week, 1972

February 16, 1972

By the President of the United States of America

A Proclamation

Vision is among man's most precious possessions, and one of the most fragile.

The many ways in which it can be lost or impaired summon us to develop the best possible means for its protection. It is never too early, but often may be too late, to take action to preserve our vision.

Preventative efforts, of course, are the key—we should take all possible steps to prevent eye injuries at home, in the school, at play or on the

job. And regular professional eye examinations for all members of the family are an important part of any effort to preserve sight.

The early detection of vision problems will prevent many common kinds of blindness and visual disability. For example, children can be spared a lifetime of visual loss from amblyopia or "lazy eye" simply by having their eyes examined before the age of six. And vision threatened by glaucoma can be saved by early diagnosis and treatment.

Where prevention of disorders is not possible, sight often can be restored by skilled professional treatment. Many thousands of older Americans are needlessly blind from cataracts because they fear surgery. Yet the virtually painless operation to remove cataracts is among the most successful of all surgical procedures. And research efforts have made corneal transplantations highly successful.

Continued research will improve the prevention, diagnosis, and treatment of visual disorders. Such research is strongly supported by the Federal Government through the National Eye Institute of the Department of Health, Education, and Welfare.

In recognition of the importance of preserving sight, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 629), requested the President to proclaim the first week in March of each year as Save Your Vision Week. 36 USC 169a.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of March 5, 1972, as Save Your Vision Week. I urge all Americans to learn more about their eyes and the symptoms of vision problems, and to take the steps necessary to assure for themselves and their families a lifetime of useful vision.

I also urge ophthalmologists, optometrists, and government and private agencies concerned with vision, to cooperate in the observance of this week by providing helpful information on saving vision and by other appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4109

National Poison Prevention Week, 1972

February 16, 1972

By the President of the United States of America

A Proclamation

Despite substantial educational and labeling efforts, the problem of accidental poisoning—particularly among children—still remains a matter of public concern.

Efforts by private and public groups, and voluntary actions on the part of manufacturers, have contributed to a continuing and encouraging decrease in accidental poisoning tragedies.

Our progress should intensify with the special packaging required under the provisions of the Poison Prevention Packaging Act of 1970.

84 Stat. 1670. 15 USC 1471 note.

But, as of today, the incidents of accidental poisonings are still higher than any advanced society should permit. The natural curiosity of children, and their inclination to taste whatever they can reach, is not easily circumvented by safety measures.

The general dangers involved were recognized by a joint resolution approved September 26, 1961 (75 Stat. 681), in which the Congress requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

36 USC 165.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 19, 1972 as National Poison Prevention Week.

I direct all appropriate agencies of the Federal Government to participate actively on programs designed to promote maximum protection of our people against accidental poisonings, particularly our children. Further, I invite all State and local governments and private organizations and individuals to share in this national effort.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4110

Red Cross Month, March 1972

By the President of the United States of America

February 16, 1972

A Proclamation

Born in war and raised in adversity, the American Red Cross has evolved many traditions in its universal quest to ease human suffering, but none have served it so durably as its tradition of flexibility.

Since well before the turn of the 20th century, through times that tested the very soul of our humanitarian instincts, the Red Cross has proven equal to the challenges of each era with unfailing resourcefulness, zeal and compassion. Red Cross programs and services we have long taken for granted—from disaster relief and blood banks to nurse training and aid to military personnel—grew out of its pioneering approach in meeting generations of unprecedented crises.

This tradition has carried forward into the 1970s with undiminished vigor, and the Red Cross emblem may be found on banners flying over inner-city child care centers and drug abuse clinics. It is stamped on publications and continuing education materials dealing with ecological concerns, race relations, the advancement of the arts, and rural development.

And as a member of the global society, the Red Cross continues to fulfill its international enterprise of mercy, but again with a flexibility that makes its mission as vital and viable as at anytime in its history.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March, 1972, as Red Cross Month, a month when every citizen is asked to join, serve, and contribute in the same example of unselfish spirit that has characterized the Red Cross since its founding.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

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PROCLAMATION 4111

National Beta Club Week

February 17, 1972

By the President of the United States of America

A Proclamation

Honorable character, good mentality, creditable achievement, and commendable attitude—these are the qualifications of more than one-hundred thousand Beta Club members who are in junior and senior high school now learning the first lessons of leadership for tomorrow.

To call attention to the achievements of the Beta Club, the Congress, by Senate Joint Resolution 153, has requested the President to issue a proclamation designating the week which begins on the first Sunday in March 1972 as National Beta Club Week.

Ante, p. 39.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning Sunday, March 5, 1972, as National Beta Club Week, and I call upon all our citizens to encourage the Beta Club in its efforts to promote the ideals of honesty, service, and leadership among the junior and senior high school students of America.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4112

National Day of Prayer

February 17, 1972

By the President of the United States of America

A Proclamation

In times of national need, this Nation has turned always to God. The earliest memories of our national experience include a vision of George Washington kneeling on a frozen hill at Valley Forge; they include the

stirring words of Benjamin Franklin as he asked the Continental Congress to begin its daily work with a prayer for, as Franklin asked "if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?"

From those beginnings, throughout our history, we have turned to God in need, in challenge, and in gratitude. We remember at the most recent days of our history when this Nation and the world listened in a moment of human triumph as a small space vehicle circled the moon and Frank Borman read from Genesis: "In the beginning God created the heaven and the earth. . . ."

Today America is moving toward the objective we have pursued throughout our history, toward a dream as old as man, toward a world at peace with itself. We have no false illusions about the possibilities of achieving such a world. But history will not forgive us if we fail to try, nor will posterity.

All nations must share in the creation of such a peace. Each nation must seek the source of strength upon which its faith in the future is founded, and upon which its hope for peace is anchored. Let this Nation turn again to God. Let this Nation turn again to prayer as the world strives to move from a time of war to a time of peace forever.

As America stretches forth the hand that holds the olive branch, we know that other hands must reach out to take it. But until the deed is done and the peace is won, we must be patient and strong. Therefore, let each man, woman and child in this land recall the ancient wisdom of the scriptures: "Our help is in the name of the Lord, Who made heaven and earth." Let us seek that help in prayer.

We remember that our enterprise must find favor in the eyes of God, for the scriptures tell us that "Except the Lord build the house, they labor in vain that build it. . . ." As we pursue peace, let this people pray our search will find favor in the eyes of God and that we labor not in vain.

In recognition of the desire for peace among nations that the American people share with all the peoples of the world, the Congress by a concurrent resolution approved February 16, 1972, has requested that the President designate Sunday, February 20, 1972 as a National Day of Prayer for the cause of world peace.

Ante, p. 1572.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Sunday, February 20, 1972, as a National Day of Prayer.

I invite all Americans to join in the quest for peace, both by uniting in their places of worship, and by pursuing privately the purposes of peace through prayer.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4113

National Farm Safety Week, 1972

March 7, 1972

By the President of the United States of America

A Proclamation

The Nation's unparalleled technological advances have given farmers and ranchers the ability to produce far more, with far less drudgery and uncertainty, than their forbears. This technology, combined with the skill and energy of our farmers and ranchers, has made possible a plentiful supply of high quality agricultural products, thus enabling us to make great strides in the battle against hunger.

Unfortunately, however, the implements of modern technology have also increased the risk of accidents to our farmers and ranchers. Each year thousands are injured or lose their lives in agricultural accidents or in mishaps on public roads, in homes, or in recreational activities. The dollar cost of these accidents exceeds $2 billion annually, but the price in terms of pain and anguish and disruption of family life is immeasurable.

This drain on the human and economic resources of the agricultural community and the Nation can be reduced if our rural people, acting individually and in concert, take a decisive stand for safety. Many accidents can be prevented by eliminating hazards and using protective equipment at work, by defensive driving, and by general safe practices at home and during recreation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 25, 1972, as National Farm Safety Week. I urge all persons engaged in agriculture and all those allied with agriculture to take appropriate measures to reduce the number and severity of accidents. Let us strive to bring the technology of safety to agriculture as successfully as we have brought to it the technology of production.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of March, in the year of our Lord nineteen hundred seventy-two, and

of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4114

Quantitative Limitation on the Importation of Certain Meats Into the United States

By the President of the United States of America

March 9, 1972

A Proclamation

WHEREAS section 2(a) of the Act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the Act"), declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referred to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereafter referred to as "adjusted base quantity"); and

77A Stat. 20.
19 USC 1202.

WHEREAS section 2(b) of the Act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which in the absence of the limitations under the Act would be imported during such calendar year (hereafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2(a) and (b) of the Act, estimated the adjusted base quantity of meat for the calendar year 1972 to be 1,042.4 million pounds and estimated the potential aggregate imports of meat for 1972 to be 1,240 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1972, as estimated by the Secretary of Agriculture, exceeds 110 percent of the adjusted base quantity of meat for the calendar year 1972 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the Act is in effect with respect to the calendar year 1972; and

78 Stat. 594. 19 USC 1202 note.

WHEREAS section 2(c)(1) of the Act requires the President in such circumstances to limit by proclamation the total quantity of meat which may be entered, or withdrawn from warehouse, for consumption, during the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the Act; and

WHEREAS section 2(d) of the Act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the Act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the Act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

NOW, THEREFORE, I, RICHARD NIXON, President of the United States, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the Act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the Act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1972, is limited to 1,042.4 million pounds.

77A Stat. 20. 19 USC 1202.

(2) It is hereby determined pursuant to section 2(d) of the Act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1972 unless because of changed circumstances it becomes necessary to take further action under the Act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the Act.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of March, in the year of our Lord nineteen hundred and seventy-two, and of the Independence of the United States of America, the one hundred and ninety-sixth.

Richard Nixon

PROCLAMATION 4115

National Week of Concern for Americans Who Are Prisoners of War or Missing in Action

By the President of the United States of America

March 10, 1972

A Proclamation

1,623 American servicemen and some 50 U.S. civilians are now either missing in action or being held captive by North Vietnam and its allies. At the end of this month, the first men to be taken prisoner will begin their ninth year in captivity. This is the longest internment ever endured by American fighting men; it is also one of the most brutal.

The POW/MIA story of this long and difficult war is a tragic one:

The enemy continues adamant in his refusal even to identify all the Americans being held. He continues to flout the Geneva Prisoner of War Convention which establishes minimum humane standards for treatment of prisoners—a treaty to which North Vietnam is a signatory, just as are South Vietnam and the United States and 128 other nations. He continues to block impartial inspection of the prison camps. He continues to deny repatriation for seriously sick and wounded prisoners. He continues to ignore the prisoners' right to regular correspondence with their families.

6 UST 3316.

And so those families suffer in spirit hardly less than their men suffer in the flesh. They live in a nightmare of unremitting anguish and gnawing concern. Many cannot even know whether their loved ones are still alive; those who do know this much, must live with their additional knowledge of the cruel conditions in which the prisoners exist.

Each new chapter in this outrage has stiffened the American people's determination to see justice done. We have stood and will continue to stand united as a nation in our concern and compassion for the prisoners and missing men. We mean to see this matter through.

Concern for the prisoners' plight, moreover, has spread to the people of goodwill around the world—and we may be confident that their humanitarian efforts, though so far rebuffed as callously as our own, will still continue as steadfastly as our own.

The United States has spared no effort—by diplomacy, by negotiation, by every other means—to secure fair treatment of our captive sons and brothers and to obtain their ultimate freedom.

As we set aside a special week of national concern for this continuing tragedy, and a special day of prayer for its resolution, we do so with a determination to persist in this effort—for principle, for peace, for the sake of these brave men and their parents and brothers and sisters and wives and the children some have never seen.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, as requested by the Congress in Senate Joint Resolution 189, do hereby designate the period of March 26 through April 1, 1972, as National Week of Concern for Prisoners of War/Missing in Action, and Sunday, March 26, 1972, as a National Day of Prayer for the lives and safety of these men.

Ante, p. 61.

I call upon all the people of the United States to observe this week with such appropriate ceremonies and activities as will stir and sustain widespread concern for the missing men and prisoners, nourish the patient courage of their loved ones, and—above all—hasten the day of their safe return to home and freedom.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4116

International Book Year, 1972

March 13, 1972

By the President of the United States of America

A Proclamation

Books and libraries are among mankind's greatest sources of enlightenment. They contain the cultural inheritance of our forefathers and the core of our educational system. In the words of Thomas Carlyle: "All that Mankind has done, thought, gained or been; it is lying as in magic preservation in the pages of Books."

As this Nation approaches the beginning of its third century, we should remind ourselves that nothing in our heritage is more precious than the

right to express ourselves freely on any subject and the right of access to the expressions of others.

Today, with high-speed presses, mass distribution of printed matter, and well-stocked libraries, we may carelessly assume that the knowledge contained in books is equally available to all Americans. But the right to read requires more than just the availability of books. It also requires the ability to read. In spite of our commitment to the concept of universal education, millions of our citizens are still so deficient in reading skills that the covers of books are closed to them.

It is incumbent upon all who desire a better America, public officials and private citizens alike, to help improve both our intellectual resources and the free flow of information within and across our national boundaries.

First, we must abolish functional illiteracy so that all our citizens, rich and poor alike, will have a better chance to learn from the accumulated wisdom of man. This is the goal of our "Right to Read" program, and to achieve it we must not only eliminate the existing reading and literacy deficiencies of today, but also reform our educational institutions so that these problems will not reoccur tomorrow.

Second, we must continue to foster the growth of learning and culture by protecting intellectual production through copyright. During the course of this year, the United States and other member countries of the Universal Copyright Convention will be considering adherence to the 1971 revisions of the Universal Copyright Convention, which strengthen international copyright protection for American works and assist developing countries to meet their need for educational materials. At the same time, we should continue our efforts in this country to modernize our own copyright laws. 6 UST 2731.

In recognition of the importance of books in our society, and the observance by the United Nations Educational, Scientific and Cultural Organization of the year 1972 as International Book Year, the Congress, by Senate Joint Resolution 149 of December 15, 1971, has requested the President to issue a proclamation designating 1972 as International Book Year. 85 Stat. 647.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim 1972 as International Book Year in the United States. I call upon the people of the United States, interested groups and organizations, appropriate officials of the Federal Government and of State and local governments to provide for the observance of International Book Year with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4117

National Wildlife Week

March 18, 1972

By the President of the United States of America

A Proclamation

For much of our history, Americans have confronted nature as a hostile force to be reckoned with and overcome. The wild creatures of forest and plains, mountains and swamp, were seen as threats to human life and progress on the edge of the wilderness. They were beaten back or disposed of accordingly.

More recently, Americans have come to see wild animals as co-inhabitants of a small planet, fellow creatures who have a rightful place in a healthy natural environment. Ecologist, philosopher, and outdoorsman alike have come to know the truth of Thoreau's words, "In Wilderness is the preservation of the World." Men and animals can and must share the earth. The various forms of wildlife which give life and variety and beauty to the environment can and must be recognized, appreciated, and protected.

But the hour is late, and the time to act is now. Already some species of wildlife have been extinguished forever, and many others have been sharply reduced in numbers. Economically, we can now afford to take humane action to reverse this tragic trend. Morally and esthetically, we cannot afford to do otherwise.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 19, 1972, as National Wildlife Week.

I call upon all our citizens to join during that week in support of the many organizations dedicated to preserving a suitable environment for the greatest possible number of wildlife species. In particular, I urge broad public support for, and prompt congressional action on, my recent proposals for better protection of endangered species.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4118

Loyalty Day, 1972

By the President of the United States of America

March 22, 1972

A Proclamation

"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands . . ." From earliest school days most Americans know these words as they know their own names. They constitute a solemn promise of loyalty signed in the heart and paid off lifelong in the currency of daily deeds, great and small—from the ultimate sacrifice of the soldier, to the conscientious vote of the citizen, to the productive labor of the working man or woman and the precious trust of the parent. Once again this May 1, we pause as a nation to ask ourselves how we can live our loyalty better.

Loyalty Day, although a far newer national observance than Independence Day, is in a sense equally important. Our July 4 celebration of the "unalienable rights" which America owes to each of us has meaning only as we balance it with lively awareness of the unalienable allegiance which each of us in turn owes to America.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with the joint resolution of the Congress of July 18, 1958, do call upon the people of the United States, and upon all patriotic, civic and educational organizations, to observe Monday, May 1, 1972, as Loyalty Day, with appropriate ceremonies in schools and other suitable places.

72 Stat. 369.
36 USC 162.

I further call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day in witness of our "allegiance . . . to the Republic for which it stands."

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of March, in the year of our Lord nineteen hundred seventy-two,

and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4119

Earth Week, 1972

March 24, 1972

By the President of the United States of America

A Proclamation

For the Nation and for the world, there are few issues of greater moment than the quality of our environment. As civilizations have evolved, man has increasingly altered his world to accommodate his needs. Today, our immense tehnological expansion affects the earth more than at any earlier time.

The air, water, and natural resources of the earth are not inexhaustible, yet we continue to make major and often contradictory demands on these resources. If man is to preserve the natural heritage upon which his survival and the quality of his life depend, he must make resolute choices and fix uncompromising priorities.

The environmental awakening of recent years marks a new maturity in our attitudes toward the relationship of man to his surroundings. We have made a beginning, but it is only a beginning. Every American—and indeed, every citizen of the world—must endeavor by earnest and sustained effort to nurture this earth which we all share.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period of April 17 through April 23, 1972, as Earth Week.

I call upon appropriate officials of the Federal Government and of State and local governments to encourage an understanding of the purposes of Earth Week, to observe the week through appropriate ceremonies, and to give special attention to the educating of our citizens in the preservation and enrichment of our natural environment.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of March, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4120

Cancer Control Month, 1972

By the President of the United States of America

April 4, 1972

A Proclamation

America is now committed to an all-out attempt to find a means of controlling cancer.

Last December I signed the National Cancer Act of 1971, a landmark piece of legislation authorizing new Federal support for cancer research over the next three years. This will be a massive effort, perhaps the largest attack against a single disease in the history of man.

85 Stat. 778.
42 USC 286a note.

Medical breakthroughs cannot be bought or forced. But the two out of every three American families who are touched by cancer now have the assurance that everything that *can* be done by Government *will* be done to control this brutal killer.

As a means of giving continued emphasis to the cancer problem, the Congress, by a joint resolution of March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month.

36 USC 150.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of April 1972 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 new emphasis to this serious problem, and to encourage the determination of the American people to meet it, I also ask the medical and allied health professions, the communications industries, and all other interested persons and groups to unite during this appointed time in public reaffirmation of our Nation's strong commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4121

National Defense Transportation Day and National Transportation Week, 1972

April 7, 1972

By the President of the United States of America

A Proclamation

"How is it that we can send men to the moon, yet we cannot manage our problems of transportation here on earth?" That is a question we often hear as each year it seems that less time is needed to fly around the world, and more time to drive to work.

If we have the will, we can subdue these transportation problems. The same American technology that opened wide the door to space travel, can be harnessed both to relieve the inadequacies of our domestic transportation system and to provide for future transport needs. With careful planning and conscientious direction, our technology can develop new ways to move people and goods. Thirty years ago, the idea of sending men to the moon seemed impossibly visionary. Thirty years from now, I predict, new forms of transport will be operating which seem today as unrealizable as lunar space travel once was.

From May 27 through June 4, 1972, an exposition of advanced transportation technology, called TRANSPO '72, will be staged at Dulles Airport near Washington, D.C. I encourage all Americans to attend this display, and to experience an exciting forward look at transportation concepts, designs and systems for meeting the challenges of the twenty-first century.

In recognition of the importance of our transportation system, the Congress, by joint resolutions approved May 16, 1957, and May 14, 1962, requested the President to proclaim annually the third Friday of May each year as National Defense Transportation Day, and the week of May in which that Friday falls as National Transportation Week.

71 Stat. 30.
76 Stat. 69.
36 USC 160, 166.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Friday, May 19, 1972, as National Defense Transportation Day, and the week beginning May 14, 1972, as National Transportation Week. I urge the people of the United States to observe this period with appropriate ceremonies in recognition of the importance of our transportation system to our lives and national

defense, and as a tribute to the men and women who make possible the movement of people and goods throughout our land and abroad.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4122

Pan American Day and Pan American Week

By the President of the United States of America

April 10, 1972

A Proclamation

Eighty-two years ago this spring, the first International Conference of American States was completing its work in Washington. The hopes which millions of people throughout the Western Hemisphere held for that conference were voiced in these words of a leading churchman of the day, Edward Everett Hale: "We trust that the American Congress, representing North and South America, will address itself squarely to some * * * practicable system, not content with general statements * * * of the folly and cost and horror of war."

While the hemispheric court of arbitration for which Hale specifically argued was not created at that time, a "practicable system" was—the system which we now call the Organization of American States. And down all the decades since, that system has increasingly fulfilled the hopes of its founders for modes of cooperation and unity which should make peace permanent and war obsolete among the sister republics of the New World.

2 UST 2394; 21 UST 607.

Today the Organization of American States stands as the oldest continuous regional body in the world, and one of the most vigorous and progressive as well. Geography, history, shared traditions of self-government, and common interests in the world give a special depth and durability to international ties in the Americas. The OAS, in turn, gives those ties structure, substance, and a strong arm for action.

It is an organization based on a workable combination of idealism and realism; on a capacity to grow and adjust with the times; and on the principle that all nations, large and small, are juridical equals, each

entitled to mutual respect and equal rights. It embodies the steadily growing concern of the peoples of the Americas for joint efforts toward hastening economic and social development, maintaining collective security, and settling disputes peacefully. Its past is proud and its future promising.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Friday, April 14, as Pan American Day, and the week beginning April 9 and ending April 15 as Pan American Week; and I call upon the Governors of the fifty States of the Union, 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 tenth day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4123

National Maritime Day, 1972

April 13, 1972

By the President of the United States of America

A Proclamation

The spirit of America has long been recognized in the speed of her ships and the skill of her sailors. Long ago, the French historian de Tocqueville told the story of meeting an American sailor on his 1831 visit to this country and asking him to explain why American ships seemed built to last but a short time. The sailor replied with no hesitation that the finest of vessels would become useless if it lasted beyond a few years because the art of navigation was making such rapid progress.

In the sailor's certainty that with tomorrow would arrive something new and better, de Tocqueville recognized the attitude upon which "a great people direct all their concerns." Over the years other nations have built upon the success of our example—and they have built merchant fleets able to compete successfully with our own.

In America, the Merchant Marine Act of 1970 is once again awakening that venturesome spirit of maritime enterprise that has contributed so significantly to the strength and development of our Nation. Today we have a national commitment and program to revitalize our merchant marine and improve the competitive position of our shipbuilding industry. 84 Stat. 1018. 46 USC 1101 note.

This new program will generate the construction of many new ships, advanced in design and highly productive. It should help to ensure that the American merchant marine is once again one of the most modern and efficient in the world by the end of this decade.

It is important that all Americans realize the importance of our merchant marine to the Nation's economy and security. To promote such public awareness, each year since 1933, when the Congress designated the anniversary of the first transatlantic voyage by a steamship, the *SS Savannah,* on May 22, 1819, as National Maritime Day, successive Presidents have issued proclamations calling for public observance of that day. 48 Stat. 73. 36 USC 144.

NOW, THEREFORE, I, RICHARD NIXON, 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, 1972, 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 thirteenth day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4124

National Check-Your-Vehicle-Emissions-Month, April, 1972

By the President of the United States of America

April 20, 1972

A Proclamation

The task of cleansing our environment calls for individual effort on the part of all Americans.

84 Stat. 1676.
42 USC 1857b note.

Under the Clean Air Act Amendments of 1970, we can look forward to the day when pollutants from new motor vehicles will be substantially diminished. Setting emission standards, however, is not all that we can do. Our citizens can also act now to limit exhaust pollutants entering our atmosphere from motor vehicles currently in use.

Ante, p. 123.

Aware of the opportunity and the responsibility of Americans to help purify the air, the Congress, by Joint Resolution, has requested the President to designate April, 1972 as National Check Your Vehicle Emissions Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim April, 1972 to be National Check Your Vehicle Emissions Month, and I call upon all Americans to recognize the need for curbing exhaust pollutants from their motor vehicles by maintaining them in good working order.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4125

Adjustment of Duties on Certain Ceramic Tableware

April 22, 1972

By the President of the United States of America

A Proclamation

48 Stat. 943.
76 Stat. 872.

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) (hereinafter referred to as "the TEA"), the President, by Proclamations No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103); No. 2867 of December 22, 1949

(64 Stat. A380); No. 2888 of May 13, 1950 (64 Stat. A405); No. 2929 of June 2, 1951 (65 Stat. c12); No. 3105 of July 22, 1955 (69 Stat. c44); No. 3513 of December 28, 1962 (77 Stat. 970, 979); and No. 3822 of December 16, 1967 (82 Stat. 1455), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out certain trade agreements into which he had entered;

2. WHEREAS among the proclaimed modifications were modifications in the rates of duty on certain kinds of ceramic tableware which are now included within items 533.28, 533.31, 533.33, 533.35, 533.36, 533.38, 533.71, 533.73, and 533.75 of the Tariff Schedules of the United States (hereinafter referred to as "ceramic tableware"); 77A Stat. 239; 82 Stat. 1474, 1475.

3. WHEREAS the United States Tariff Commission has submitted to the President a report of its Investigation No. TEA–I–22 under section 301 of the TEA (19 U.S.C. 1901), on the basis of which investigation and a hearing duly held in connection therewith the said Commission has determined that ceramic tableware is, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause serious injury to the domestic industry producing like or directly competitive products; 19 USC 1202. 76 Stat. 883.

4. WHEREAS section 351(a)(1) of the TEA (19 U.S.C. 1981 (a)(1)) authorizes the President, upon receiving an affirmative finding of the Tariff Commission under section 301(b) of the TEA with respect to an industry, to proclaim such increase in, or imposition of, any duty or other import restriction on the articles causing or threatening to cause serious injury to such industry as he determines to be necessary to prevent or remedy serious injury to such industry; 76 Stat. 899.

5. WHEREAS section 302(a)(2) and section 302(a)(3), respectively, of the TEA (19 U.S.C. 1902(a)(2) and 19 U.S.C. 1902(a)(3)) authorize the President, upon receiving an affirmative finding of the Tariff Commission under section 301(b) of the TEA with respect to an industry, to provide with respect to such industry that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under Chapter 2 of Title III of the TEA (19 U.S.C. Chapter VII, Subchapter III, Part II) and that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3 of Title III of the TEA (19 U.S.C. Chapter VII, Subchapter III, Part III); 76 Stat. 885. 19 USC 1911. 19 USC 1931.

6. WHEREAS I have determined that the rates of duty hereinafter proclaimed are, when coupled with the adjustment assistance hereinafter provided, necessary to remedy serious injury to the industry producing earthen tableware;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 350(a)(1)(B) of the Tariff Act of 1930, as amended; and sections 201(a)(2), 302(a)(2) and (3), and 351(a) of the Trade Expansion Act of 1962; and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

69 Stat. 162.
19 USC 1351.
76 Stat. 872, 899.
19 USC 1821, 1981.

1. The tariff concessions on ceramic tableware for items 533.28, 533.31, 533.33, 533.35, 533.36, 533.38, 533.71, 533.73 and 533.75 in Part I of Schedule XX to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade (19 UST (pt. 2) 1530 *et seq.*) are modified to conform with the provisions set forth in the annex to this proclamation for such time and to such extent as this proclamation remains in effect.

77A Stat. 239; 82 Stat. 1474, 1475.
19 USC 1202.

2. Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States is modified by the insertion, after item 922.50 and before item 923.31, of such new items as are set forth in the annex to this proclamation.

77A Stat. 436.

3. The modifications in rates of duty established by paragraphs 1 and 2 shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after May 1, 1972.

4. Provision is hereby made with respect to the industry producing earthen tableware that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under Chapter 2 of Title III of the Trade Expansion Act of 1962 and that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3 of Title III of the Trade Expansion Act of 1962.

19 USC 1911.

19 USC 1931.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord one thousand nine hundred and seventy-two and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

ANNEX

Item	Articles	Rates of duty	
		1	2
	Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:		
	Of fine-grained earthenware or of fine-grained stoneware:		
	Available in specified sets:		
923.01	In any pattern for which the aggregate value of the articles listed in headnote (2b) of subpart C, part 2 of schedule 5 is over $12 but not over $22 (provided for in item 533.28)	10¢ per doz. pcs. + 21% ad val.	No change
	Not available in specified sets:		
923.03	Steins and mugs, if valued not over $3.60 per dozen (provided for in item 533.31)	10¢ per doz. pcs. + 25% ad val.	No change
923.05	Cups valued not over $0.50 per dozen; saucers valued not over $0.30 per dozen; plates not over 9 inches in maximum diameter and valued not over $0.50 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over $1 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over $1 per dozen (provided for in item 533.33)	5¢ per doz. pcs. + 14% ad val.	No change
923.07	Cups valued over $0.50 but not over $3.10 per dozen; saucers valued over $0.30 but not over $1.75 per dozen; plates not over 9 inches in maximum diameter and valued over $0.50 but not over $2.85 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $1 but not over $4.85 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $1 but not over $6.20 per dozen (provided for in items 533.35, 533.36, and 533.38)	10¢ per doz. pcs. + 21% ad val.	No change
	Of nonbone chinaware or of subporcelain:		
	Household ware:		
923.11	Steins and mugs, if valued not over $3.60 per dozen (provided for in item 533.71)	45% ad val.	No change
923.13	Cups valued not over $1.35 per dozen; saucers valued not over $0.90 per dozen; plates not over 9 inches in maximum diameter and valued not over $1.30 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over $2.70 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over $4.50 per dozen (provided for in item 533.73)	10¢ per doz. pcs. + 48% ad val.	No change
923.15	Cups valued over $1.35 but not over $4 per dozen; saucers valued over $0.90 but not over $1.90 per dozen; plates not over 9 inches in maximum diameter and valued over $1.30 but not over $3.40 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $2.70 but not over $6 per dozen; creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $4.50 but not over $11.50 per dozen (provided for in item 533.75)	10¢ per doz. pcs. + 55% ad val.	No change

PROCLAMATION 4126

National Arbor Day

April 24, 1972

By the President of the United States of America

A Proclamation

April of this year marks the 100th anniversary of Arbor Day, an observance that holds as much significance for the future as it does for the past.

On a monument erected in Nebraska City to commemorate the founding father of this celebration, J. Sterling Morton, there is this inscription: "Other Holidays Repose Upon The Past; Arbor Day Proposes For The Future." So it does, for the planting of trees is an action that yields a long-range benefit on generations to come. Arbor Day uniquely symbolizes the truth that the earth belongs to every generation, not just to ours.

Einstein is believed to have said that a person should put back into this world at least as much as he takes out of it. The best available evidence suggests that an individual American, in his lifetime, uses the wood produced by some 200 mature trees. It is probably too much to expect that each American plant that many trees, but it is not too much to ask that each American assume a large, personal responsibility for renewing and preserving our environmental heritage.

On this centennial National Arbor Day, it is altogether fitting that we regenerate within ourselves a fresh awareness of the fundamental role that trees play in man's daily existence. To underline the importance of this natural resource to our well-being, the Congress has requested, by Joint Resolution, that the President designate the last Friday of April, 1972 as National Arbor Day.

Ante, p. 123.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim April 28, 1972 as National Arbor Day. I call upon the Governors of the States, appropriate officials, organizations and individuals who are particularly dedicated to the preservation and replenishment of our trees, and all Americans to conduct observances and programs designed to inform the public of the necessity and value of this elemental natural resource.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord, nineteen hundred

seventy-two and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4127

Father's Day

By the President of the United States of America

May 1, 1972

A Proclamation

To have a father—to be a father—is to come very near the heart of life itself.

In fatherhood we know the elemental magic and joy of humanity. In fatherhood we even sense the divine, as the Scriptural writers did who told of all good gifts coming "down from the Father of lights, with whom is no variableness, neither shadow of turning"—symbolism so challenging to each man who would give his own son or daughter a life of light without shadow.

Our identity in name and nature, our roots in home and family, our very standard of manhood—all this and more is the heritage our fathers share with us. It is a rich patrimony, one for which adequate thanks can hardly be offered in a lifetime, let alone a single day. Still it has long been our national custom to observe each year one special Sunday in honor of America's fathers; and from this year forward, by a joint resolution of the Congress approved April 24, 1972, that custom carries the weight of law.

Ante, p. 124.
36 USC 142a.

This is fitting and good. Let each American make this Father's Day an occasion for renewal of the love and gratitude we bear to our fathers, increasing and enduring through all the years.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request that June 18, 1972, be observed as Father's Day. I direct 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 first day of May in the year of our Lord, nineteen hundred seventy-two, and

of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4128

National Hunting and Fishing Day

May 2, 1972

By the President of the United States of America

A Proclamation

For many years, responsible hunters and fishermen have been in the vanguard of efforts to halt the destruction of our land and waters and protect the natural habitat so vital to our wildlife.

Through a deep personal interest in our wildlife resources, the American hunter and fisherman have paved the way for the growth of modern wildlife management programs. In addition, his purchase of licenses and permits, his payment of excise taxes on hunting and fishing equipment, and his voluntary contributions to a great variety of conservation projects are examples of his concern for wildlife populations and habitat preservation.

His devotion has promoted recreational outlets of tremendous value for our citizens, sportsmen and nonsportsmen alike. Indeed, he has always been in the forefront of today's environmental movement with his insistence on sound conservation programs.

In recognition of the many and worthwhile contributions of the American hunter and angler, the Congress, by Senate Joint Resolution 117, has requested the President to declare the fourth Saturday of September 1972 as National Hunting and Fishing Day.

Ante, p. 133.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Saturday, September 23, 1972, as National Hunting and Fishing Day.

I urge all our citizens to join with outdoor sportsmen in the wise use of our natural resources and in insuring their proper management for the benefit of future generations.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4129

Senior Citizens Month, 1972

May 2, 1972

By the President of the United States of America

A Proclamation

There are certain landmark years in every individual's life—memorable, significant years of advance and achievement.

This year offers promise of becoming a landmark year in the lives of America's 21 million older citizens.

In December 1971, I met with 3500 delegates to the White House Conference on Aging. I told the delegates that I did not want their recommendations to gather dust on storeroom shelves. And I promised to join them in making 1972 a year of action for older Americans.

Since that time, we have been reviewing those recommendations—and a number of action steps have already been taken. For example, we have increased the budget for the Administration on Aging tenfold. I have signed into law a new national nutrition program for older people. We are working to ensure that needed transportation services are included in service projects for the elderly. Programs to involve older people in voluntary service to others are growing. And we are moving forward with other, earlier efforts—such as our campaign to reform nursing home care and our program to provide hundreds of information centers for older persons at the local level.

All of these endeavors complement our basic program for improving the income position of the elderly. If the Congress approves my recommendations for reforming and expanding social security and other income maintenance programs, the income of older Americans would be increased by some $5.5 billion annually.

Of course, there is much that remains to be done. One important challenge is to help all our people develop a new attitude toward aging, one which stops regarding older Americans as a burden and starts regarding them as a resource. For such an attitude will not only contribute to the dignity of life for older Americans, it will also give our country the immense benefit of their skills and their wisdom.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate May 1972 as Senior Citizens Month. The theme for this month is ACTION NOW.

I urge officials of government at all levels—national, State, and local—and of voluntary organizations and private groups everywhere, to give

special attention during this period to the concerns of the elderly, so that it may truly be a high point in a year of action for older Americans.

I also urge each individual American to use this month as a time to make a personal commitment to action on behalf of older people—so that the last years may be among the best years for all of our countrymen.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of May, in the year of our Lord, nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4130

Small Business Week, 1972

May 4, 1972

By the President of the United States of America

A Proclamation

It is no curious accident that from earliest times, the expansion of America's frontiers was closely paralleled by the robust growth of our Nation's free enterprise system. In the footprints of Boone and Carson came a different but no less courageous breed of pioneer: the tradesman and peddler, miller and merchant. As their cabins and trading posts have become towns and cities, their wilderness commerce has become the foundation for the most extraordinary economic force in the history of mankind.

It is a force that leaves no idea unexplored, no promise unpursued, no citizen of this land unenriched. Today, we call it small business.

There are now more than 8 million small businesses in this country. An unprecedented 287,000 new companies were incorporated just last year. Nineteen out of every twenty firms are considered small business, and they provide more than 35 million jobs, and contribute more than $370 billion to the gross national product.

Small business is the corridor of progress and change for Americans of every nationality and color. It is an arena where the sheer power of individual initiative and self-determination can exact the rewards of participation, achievement, and success. Small, free, independent enterprise is the heritage of our past and the lifeblood of our future, providing each of our citizens with life's most prized gift: opportunity.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning May 14, 1972, as Small Business Week. I ask all Americans to share with me during this week a great feeling of pride in the accomplishments of these small businessmen and women, and in their continued commitment to success.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4131

Display of the Flag at United States Customs Ports of Entry

By the President of the United States of America

May 5, 1972

A Proclamation

The flag of the United States should be one of the first things seen at our Customs ports of entry, both by American citizens returning from abroad and by travelers from other countries.

As the symbol of our country and our freedoms, the national colors of the United States provide a welcome greeting of warm promise.

Many people, however, enter our country at night when the flag is not flown, because of the nearly universal custom of displaying it only from sunrise to sunset.

Authority exists to amend that custom. A Congressional joint resolution of June 22, 1942 (56 Stat. 377), as amended (36 U.S.C. 173–178), permits the flag to be displayed at night "upon special occasions when it is desired to produce a patriotic effect." 56 Stat. 1074.

I believe it is appropriate that returning citizens and visitors from other countries be welcomed by our flag whether they arrive at their ports of entry by night or by day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that the flag of the

United States of America shall hereafter be displayed at all times during the day and night, except when the weather is inclement, at United States Customs ports of entry which are continually open.

The rules and customs pertaining to the display of the flag, as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4132

National Arthritis Month

May 10, 1972

By the President of the United States of America

A Proclamation

Striking young and old indiscriminately, arthritis today afflicts more than 18 million Americans. In its most crippling form, rheumatoid arthritis, it affects some 5 million people, 250,000 of whom are children.

Arthritic diseases, including rheumatoid arthritis and osteoarthritis, each year cause unemployment equal to full-time idleness for about a quarter of a million persons. The total cost to individuals and the Nation is estimated at $4 billion annually, but the sum total of human suffering is beyond calculation.

Too few persons realize that arthritis is among America's most crippling diseases.

Each year, as medical science advances through private and governmental medical research and education, thousands of people receive improved treatment and live more comfortable, more productive, and more satisfying lives. Other thousands, however, remain sentenced to lives of continuing pain and disability from arthritis.

In recognition of the need to alleviate, through research and treatment, the human suffering as well as the economic toll caused by arthritis, the Congress, in House Joint Resolution 1029, requested the President to issue a proclamation designating the month of May of 1972 as National Arthritis Month.

Ante, p. 135.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of May 1972 as National Arthritis Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

Further, I urge medical professionals, citizens groups, and the American people to unite during the month of May in public affirmation of this Nation's efforts to control arthritic diseases.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4133

Modifying Proclamation No. 3279, Relating to Imports of Petroleum and Petroleum Products

By the President of the United States of America

May 11, 1972

A Proclamation

Pursuant to paragraph (a) of section 6 of Proclamation No. 3279, as amended, the Director of the Office of Emergency Preparedness maintains a constant surveillance of imports of petroleum and its primary derivatives in respect of the national security.

73 Stat. C28. 19 USC 1862 note.

The Director has found that the national security will not be adversely affected by changes which would increase licensed imports into Districts I–IV to meet requirements for the remainder of 1972.

The Director, with the advice of the Oil Policy Committee, has recommended that Proclamation No. 3279, as amended, be further amended to adjust imports consistent with this finding.

I agree with the findings and recommendations of the Director and deem it necessary and consistent with the security objectives of Proclamation No. 3279, as amended, to adjust the imports of petroleum and petroleum products, as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority

vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective as of this date, Proclamation No. 3279, as amended, is further amended as follows:

76 Stat. 877. 19 USC 1862.

1. In subparagraph (2) of paragraph (a) of Section 1A, substitute "570,000" for "540,000."

Ante, p. 1593.

2. In subparagraph (1) of paragraph (a) of Section 2, substitute "1,165,000" for "965,000."

Ante, p. 1593; *Post*, p. 1668.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4134

Mother's Day, 1972

May 11, 1972

By the President of the United States of America

A Proclamation

There is a story about a little girl who said to her mother, in one of those bursts of exaggeration that children sometimes have, "Mama, I am nearer to you than I m to Papa." Her mother asked what she meant by such a strange remark. "Why," her daughter replied, "I am your own little girl, but I am only related to papa by marriage."

The point seems to survive a child's exaggeration. In fact, where mothers are concerned most of us always retain something of that same feeling. A mother's gift of life and love often are the animating spirit of a family. And it has been the family which has passed on to future generations the values which have fashioned our Nation's progress over the years.

In 1972, we honor mothers for these contributions and more. In addition to the vital force they have always represented in family life, many mothers are now finding greater opportunities to pursue careers outside the home. In the home and outside the home they make a special contribution to the vitality and spirit of America.

Fifty-eight years ago, Woodrow Wilson proclaimed the second Sunday of May as the special day to honor our mothers, calling upon the American people to make "a public expression of our love and reverence for the mothers of the country."

The Congress, by a joint resolution of May 8, 1914, has set aside the second Sunday of May of each year as a day in which we honor all mothers for their countless contributions to their own families, to their communities, and to the Nation. 38 Stat. 770. 36 USC 142.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request that Sunday, May 14, 1972, be observed as Mother's Day; and I direct appropriate officials of the Government to display the flag of the United States on all Government buildings.

I urge the people of the United States to show their reverence and respect for the mothers of this country by special expressions of affection and gratitude.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4135

World Trade Week, 1972

By the President of the United States of America

May 12, 1972

A Proclamation

From the earliest days of this Nation, the American people have been engaged vigorously in international trade. In this era of new competition, we intend to continue and expand such efforts.

The benefits of such activity are manifest in the numerous U.S. job opportunities that foreign trade creates and in the enriched standard of living flowing from the freedom of the American people to buy diverse products from many lands. This mutually beneficial exchange of goods

stimulates economic growth not only in the United States but also in the other nations of the world and contributes to better international understanding and goodwill.

The world's trade and monetary system exists in a dynamic environment, as was shown in the major reforms we successfully launched last year. Recent changes provide new trade opportunities for United States industries, firms, and workers in the various sectors of the American economy. All must take steps to make our participation in international trading activities more effective in order that the United States economy may reap the maximum benefits from this development.

As our trade expands, production and employment in the American economy will be stimulated and our balance of payments placed in better equilibrium.

The major trading nations have declared that they are prepared to initiate and actively support multilateral and comprehensive negotiations in the framework of the General Agreement on Tariffs and Trade with a view to the expansion of world trade and improvement in the worldwide standard of living. These aims can be achieved through the progressive dismantling of obstacles to trade and the improvement of the international framework for the conduct of world trade.

61 Stat. pts. 5, 6.

The United States stands ready to do its fair share in international efforts to achieve these aims, and expects that other nations will do the same.

In addition to trade benefits, stronger international relationships based on mutual equity will do much to enhance world stability and thus will assist the world's constant search for new structures of peace.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning May 21, 1972, as World Trade Week, and I call upon the American people, the business community, and Government officials to cooperate in observing that week and to consider the expansion of world trade as an important national objective which warrants their attention and their productive efforts.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4136

Prayer for Peace, Memorial Day, 1972

May 19, 1972

By the President of the United States of America

A Proclamation

At the height of the Civil War, the terrible conflict which ultimately claimed more than 200,000 American lives, Abraham Lincoln stood in a battlefield cemetery and asked a high resolve from "us, the living, . . . that these dead shall not have died in vain." They did not die in vain, for their heroism saved the Union; and after the guns fell silent at last, a grateful Nation set aside a Memorial Day in their memory each May.

Yet the price of liberty was still not paid in full. Today, more than a hundred Memorial Days later, America looks back on five more wars and over 400,000 more dead in those wars. Thus, today more than ever, we the living bear the solemn duty of redeeming the sacrifices these brave men made, and of upholding steadfastly in life the cause they served so nobly in death.

We can meet that duty best by raising to the honored legions of the fallen the most fitting memorial of all: a peace so just and secure that American sons need not give their lives again for their country.

Such a peace has been the highest goal of the United States policy for many years. We have pursued peace unremittingly—through conciliation where we could, through strength where we had to, through battle where aggression left us no choice. We shall press on in that pursuit, relying not alone on human ways and means, but also on Him who "maketh wars to cease unto the end of the earth," who in Scripture has commanded us: "Be still, and know that I am God."

In recognition of this deep national reliance upon divine guidance and care, the Congress, by a joint resolution approved May 11, 1950, has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace.

64 Stat. 158.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Memorial Day, Monday, May 29, 1972, 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 the press, radio, television, and all other information media to cooperate in this observance.

As a special mark of respect for those Americans who have given their lives in the war in Vietnam, I direct that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the customary forenoon period, 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 request the Governors of the United States and of the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and 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 nineteenth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4137

United Nations Day, 1972

May 19, 1972

By the President of the United States of America

A Proclamation

On October 24, 1972, people around the world will celebrate United Nations Day. It is fitting that people on all parts of our planet should join on this day in honoring an international organization dedicated to the ideals of peace and justice among all nations.

The United Nations has faced great obstacles as it has worked toward the achievement of these goals. Political differences among nations have hindered its progress. Decisions by some members have prevented the United Nations from acting to stop wars. The organization's financial difficulties are also well-known.

Not so well-known, however, are many of the constructive activities of the United Nations which have achieved impressive successes over the years. The United Nations has made significant contributions, for example, by facilitating international transportation and communication, preventing the spread of diseases, and setting standards for social and technical legislation in many countries.

In recent months and years, the United Nations has also helped to establish safeguards to prevent the spread of nuclear weapons, helped to establish the rule of law in outer space and the oceans, provided technical assistance to the developing nations, promoted family planning, and worked to protect the environment. In addition, it has taken important steps to curb the traffic in addictive drugs, to protect diplomats from terrorism and travelers from hijackings, and to protect the rights of refugees and prisoners of war.

Any balance sheet of the performance of the United Nations must take these activities into account. They indicate that the United Nations and its affiliated agencies are working to build the foundations for a better world.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Tuesday, October 24, 1972, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs which will promote understanding and support for the United Nations and its affiliated agencies.

I have appointed Mr. Robert O. Anderson 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 agencies of communication—press, radio, television, and motion pictures—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 nineteenth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4138

Proclamation Amending Part 3 of the Appendix to the Tariff Schedules of the United States With Respect to the Importation of Agricultural Commodities

June 3, 1972

By the President of the United States of America

A Proclamation

64 Stat. 261; 65 Stat. 75.

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain articles which may be imported into the United States in any quota year; and

76 Stat. 73. 19 USC prec. 1202 note. 77 Stat. 1017. 19 USC prec. 1202 note. 77A Stat. 441. 19 USC 1202.

WHEREAS, in accordance with section 102(3) of the Tariff Classification Act of 1962, the President by Proclamation No. 3548 of August 21, 1963, proclaimed the additional import restrictions set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

77 Stat. 1028. 77 Stat. 1032. 78 Stat. 1249. 19 USC 1202. 80 Stat. 1767. 81 Stat. 1110. 82 Stat. 1455. 82 Stat. 1636. 82 Stat. 1649. 83 Stat. 915. 84 Stat. 2269. 19 USC 1202 note.

WHEREAS, the import restrictions on certain dairy products set forth in part 3 of the Appendix to the Tariff Schedules of the United States as proclaimed by Proclamation No. 3548 have been amended by Proclamation No. 3558 of October 5, 1963; Proclamation No. 3562 of November 26, 1963; Proclamation No. 3597 of July 7, 1964; section 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950); Proclamation No. 3709 of March 31, 1966; Proclamation No. 3790 of June 30, 1967; Proclamation No. 3822 of December 16, 1967; Proclamation No. 3856 of June 10, 1968; Proclamation No. 3870 of September 24, 1968; Proclamation No. 3884 of January 6, 1969; and Proclamation No. 4026 of December 31, 1970; and

WHEREAS, pursuant to said section 22, the Secretary of Agriculture advised me there was reason to believe that the articles, for which import restrictions are hereinafter proclaimed, are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with the price support program now conducted by the Department

of Agriculture for milk, or to reduce substantially the amount of products processed in the United States from domestic milk; and

WHEREAS, under the authority of said section 22, I requested the United States Tariff Commission to make an investigation with respect to this matter; and 64 Stat. 261; 65 Stat. 75. 7 USC 624.

WHEREAS, the United States Tariff Commission has made an investigation under the authority of said section 22 with respect to this matter and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of such investigation and report, I find and declare that the articles, for which import restrictions are hereinafter proclaimed, are being imported and are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support program now conducted by the Department of Agriculture for milk or to reduce substantially the amount of products processed in the United States from domestic milk; and

WHEREAS, I find and declare that for the purpose of the first proviso of section 22(b) of the Agricultural Adjustment Act, as amended, the representative period for imports of such articles is the calendar year 1970; and 64 Stat. 261; 67 Stat. 472. 7 USC 624.

WHEREAS, on the basis of such investigation and report, I find and declare that the imposition of the import restrictions hereinafter proclaimed is necessary in order that the entry, or withdrawal from warehouse, for consumption of such articles will not render or tend to render ineffective or materially interfere with the price support program now conducted by the Department of Agriculture for milk or to reduce substantially the amount of products processed in the United States from domestic milk; and

WHEREAS, I find and declare that the allocation of shares of the import quotas proclaimed herein among the countries of origin shall be based upon the proportion of such articles supplied by such countries during the calendar year 1970, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that: 76 Stat. 72. 19 USC prec. 1202 note.

82 Stat. 1652; 83 Stat. 917; 84 Stat. 2272. 19 USC 1202.

1. Items 950.10B, 950.10C, 950.10D, and 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States are amended to read as follows:

Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses:		
950.10B	Swiss or Emmenthaler cheese with eye formation;	
	(a) For the 12-month period ending December 31, 1972,	
	(1) if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) under 47 cents	The following quantities:
	Country of Origin:	*Quota Quantity (In pounds)*
	Austria	972,000
	Denmark	609,000
	Finland	1,843,000
	Norway	367,000
	Switzerland	200,000
	West Germany	124,000
	Other	156,000
	(2) if having a purchase price per pound (see headnote 3(a)(iii) of this part) of 47 cents or more, but less than the price determined in accordance with headnote 3(a)(v) of this part	The quantity entered on or before the date of this proclamation, plus the following quantities:
	Country of Origin:	*Quota Quantity (In pounds)*
	Austria	4,229,000
	Denmark	1,626,000
	Finland	2,490,000
	Norway	761,000
	Switzerland	40,000
	West Germany	98,000
	Netherlands	110,000
	Israel	35,000
	Other	31,000
	(b) For each 12-month period beginning January 1, 1973, if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part	The following quantities:
	Country of Origin:	*Quota Quantity (In pounds)*
	Austria	8,222,000
	Denmark	3,396,000
	Finland	6,111,000
	Norway	1,672,000
	Switzerland	269,000
	West Germany	292,000
	Netherlands	210,000
	Israel	60,000
	Other	188,000

950.10C Other than Swiss or Emmenthaler with eye formation:

(a) For the 12-month period ending December 31, 1972,

(1) if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) under 47 cents — The following quantities:

Country of Origin:	*Quota Quantity (In pounds)*
Austria	483,000
Denmark	119,000
Finland	1,516,000
Switzerland	10,000
West Germany	1,078,000
Other	83,000

(2) if having a purchase price per pound (see headnote 3(a)(iii) of this part) of 47 cents or more, but less than the price determined in accordance with headnote 3(a)(v) of this part — The quantity entered on or before the date of this proclamation, plus the following quantities:

Country of Origin:	*Quota Quantity (In pounds)*
Austria	538,000
Denmark	1,934,000
Finland	52,000
Switzerland	1,297,000
West Germany	432,000
Ireland	107,000
Norway	47,000
Portugal	160,000
Other	71,000

(b) For each 12-month period beginning January 1, 1973, if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part — The following quantities:

Country of Origin:	*Quota Quantity (In pounds)*
Austria	1,406,000
Denmark	3,435,000
Finland	1,606,000
Switzerland	2,234,000
West Germany	1,818,000
Ireland	210,000
Norway	82,000
Portugal	275,000
Other	176,000

950.10D Cheeses and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat, and articles within the scope of other import quotas provided for in this part:

(a) For the 12-month period ending December 31, 1972, (1) if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) under 47 cents	The following quantities:

Country of Origin:	*Quota Quantity (In pounds)*
Belgium	207,000
Denmark	8,966,000
Finland	1,124,000
France	931,000
Iceland	649,000
Ireland	151,000
Netherlands	56,000
Norway	222,000
Poland	2,064,000
Sweden	1,535,000
Switzerland	34,000
United Kingdom	274,000
West Germany	989,000
New Zealand	7,500,000
Other	388,000

(2) if having a purchase price per pound (see headnote 3(a)(iii) of this part) of 47 cents or more, but less than the price determined in accordance with headnote 3(a)(v) of this part	The quantity entered on or before the date of this proclamation, plus the following quantities:

Country of Origin:	*Quota Quantity (In pounds)*
Belgium	153,000
Denmark	4,581,000
Finland	67,000
France	1,138,000
Ireland	6,000
Netherlands	213,000
Norway	78,000
Sweden	100,000
Switzerland	106,000
United Kingdom	129,000
West Germany	676,000
New Zealand	33,000
Canada	1,459,000
Portugal	113,000
Austria	87,000
Italy	10,000
Israel	85,000
Other	89,000

(b) For each 12-month period begining January 1, 1973, if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part	The following quantities:

Country of Origin:	*Quota Quantity (In pounds)*
Belgium	469,000
Denmark	16,820,000
Finland	1,239,000
France	2,882,000
Iceland	649,000
Ireland	161,000
Netherlands	422,000
Norway	356,000
Poland	2,064,000
Sweden	1,707,000
Switzerland	215,000
United Kingdom	496,000
West Germany	2,148,000
New Zealand	7,556,000
Canada	2,670,000
Portugal	227,000
Austria	199,000
Italy	17,000
Israel	145,000
Other	288,000

950.10E Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4, schedule 1, except articles within the scope of other import quotas provided for in this part if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part ---------- The following quantities:

Country of Origin:	*Quota Quantity (In pounds)*
Denmark	6,680,000
United Kingdom	791,000
Ireland	756,500
West Germany	100,000
Poland	385,600
Australia	123,600
Iceland	64,300
Other	None

2. Headnote 3(a) of Part 3 of the Appendix to the Tariff Schedules of the United States is amended by adding a new subdivision as follows: 77A Stat. 441; 84 Stat. 2272. 19 USC 1202.

(v) For the purposes of items 950.10B through 950.10E, the price referred to therein, to be determined in accordance with this subdivision, shall be the Commodity Credit Corporation purchase price for Cheddar cheese, U.S. Grade A or higher, standard moisture basis, under the milk price support program, rounded to the nearest whole cent, plus 7 cents, which price shall be determined by the Secretary of Agriculture, certified to the Secretary of the Treasury, and published in the FEDERAL REGISTER. A change of price determined in accordance with this subdivision shall not cause an article to be subject to the import restrictions contained in this part if, on or before the date of publication in the FEDERAL REGISTER of the change of price, such article was exported to the United States on a through bill of lading or placed in bonded warehouse.

3. Articles, subject to the quotas provided for herein, having a purchase price of 47 cents or more, which on or before the effective date of this proclamation were exported to the United States on a through bill of lading or placed in bonded warehouse, shall not be denied entry during the calendar year 1972 under the import restrictions herein proclaimed.

81 Stat. 1111; 83 Stat. 916; 84 Stat. 2272. 19 USC 1202.

4. Notwithstanding headnote 3(a)(i) of the Appendix to the Tariff Schedules of the United States, import licenses shall not be required for the entry into the United States during the calendar year 1972 of articles subject to the quotas provided for herein having a purchase price of 47 cents or more.

5. The provisions of this proclamation shall become effective upon publication in the FEDERAL REGISTER.

IN WITNESS WHEREOF, I hereunto set my hand this third day of June, in the year of our Lord nineteen hundred seventy-two and of the Independence of the United States of America the one hundred ninety-sixth.

PROCLAMATION 4139

Flag Day and National Flag Week, 1972

June 7, 1972

By the President of the United States of America

A Proclamation

The flag, said Woodrow Wilson a half century ago, "is the embodiment, not of sentiment, but of a history, and no man can rightly serve under that flag who has not caught some of the meaning of that history."

Wilson's remarks perhaps best apply to June 14, 1777. On that day, in the midst of the American Revolution when the trial of purpose and perseverance at Valley Forge was only months away, the Continental Congress gave us the basic form of our national standard: the Stars and Stripes.

As those men of the revolution gave the flag form, we continue to give it life by fidelity to those ideals for which it stands—freedom, and equality and brotherhood. We honor the American flag because we respect the history and promise of the American people.

To commemorate the adoption of our flag, the Congress, by a joint resolution of August 3, 1949 (63 Stat. 492), 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 a joint resolution of June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and calling upon all citizens to display the flag of the United States on the days of that week.

36 USC 157.

36 USC 157a.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning June 11, 1972, as National Flag Week, and I direct the appropriate Government officials to display the flag on all Government buildings during that week.

I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of June, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4140

National Student Government Day

By the President of the United States of America

June 26, 1972

A Proclamation

One of the clearest lessons of the past decade in America is that students want and deserve an appropriate voice in their own affairs, and that education can be better when they have such a voice.

The more than 60 million Americans who are now enrolled as students at all levels of education are entitled to participate in the educational decision-making which so affects not only their lives today but also their opportunities for many years to come. Administrators and faculty, parents and taxpayers all should continue to exercise their proper authority; but

students too have a legitimate interest in sharing in the process of school governance.

While the forms which that sharing can take are many, one of the best is the student government organization at each school and campus. Student councils, though not new in America, are newly important in these times of challenge for democracy. They can offer young people early and vital experience in exercising a voice in matters of common concern, reconciling diverse interests, and selecting leaders to express representative views. Equally important, active and responsible student governments can exert a constructive influence in shaping the on-going reform and self-renewal of our educational communities.

There is, of course, ample evidence that student councils which lack proper organization and wide student support are at best ineffectual, at worst subject to misuse by an activist few at the expense of an apathetic majority. However, I am encouraged to believe that most students in most schools are accepting their new opportunities with the kind of responsibility which will prevent adverse results and ensure a vital and enlightened role for student government in the Seventies.

Our hopes and our efforts must be directed to their doing so, for the quality of our future in some degree depends on it.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim September 26, 1972, as National Student Government Day, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and appropriate officials of local governments and communities to issue similar proclamations this year, as many have done in the past.

I urge all educational institutions, academic, vocational, and non-academic, to join in appropriate activities to highlight, to revitalize, and to encourage wider participation in, their particular forms of student government.

I also urge all students to acquaint themselves fully with the activities and programs of their student government, and to take a full and constructive part in that government.

IN WITNESS WHEREOF, I have hereunto set my hand, this twenty-sixth day of June, in the the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4141

White Cane Safety Day, 1972

By the President of the United States of America

June 30, 1972

A Proclamation

For the more than one million Americans with severe visual disability, mobility is one of life's most basic and pressing problems. Even moving about in a familiar room is a complex task for someone who cannot see. How much greater is the job of navigating unfamiliar and hazardous city streets.

Although there are a number of aids which sightless people can use to help them move about, none is so simple, yet so helpful, as the white cane. It enables a sightless person to move about easily, skillfully, and, most important, independently.

Not only does the white cane liberate the body, it strengthens the spirit of its user, instilling confidence and self-respect. It transforms blindness from a tragedy to a handicap which can be overcome. By permitting mobility, the white cane may enable a blind person to hold a steady job without depending on others for transportation. It allows him to shop, to enjoy leisure time, and to visit with neighbors and friends.

The white cane user wants neither charity nor pity from the rest of us. He does expect a safe passage as he walks down and across the street. And he deserves understanding, cooperation, and courtesy, particularly from motor vehicle drivers and bicycle riders. Taking an extra moment to yield the right-of-way to a pedestrian with a white cane may cost the driver a second or two, but failing to do so could cost a sightless walker his life. We all must learn to recognize the white cane and take the necessary action to assure the safety of its user.

To make all Americans more fully aware of the significance of the white cane and the need for extra care and courtesy when approaching its user, the Congress, by a joint resolution approved October 6, 1964 (78 Stat. 1003), has authorized the President to proclaim October 15 of each year as White Cane Safety Day.

36 USC 169d.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim October 15, 1972, as White Cane Safety Day.

I urge all Americans to mark this occasion by greater consideration for the special needs of the visually handicapped, and particularly by learning to heed the white cane in order that our traffic-filled streets may become safer for all, sighted and sightless alike.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of June, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

PROCLAMATION 4142

National Voter Registration Month

July 13, 1972

By the President of the United States of America

A Proclamation

As we continually work to construct a better and better Nation, America has no need of sidewalk superintendents. And any person who is qualified to vote, but who does not register to vote, can be little more than a sidewalk superintendent standing apart from the vital project of building national progress in the challenging era of the 1970s.

In recent years, Federal and State governments have taken historic actions to extend the voting privilege to more and more of our citizens, including those between 18 and 21 years of age.

All of these efforts to broaden the base of the American constituency—in order to insure continuing national political vitality and accurate representation—will have been in vain, however, if the newly eligible voters do not activate their newly won voting rights by registering according to the laws of the States.

There is no place for apathy in an America facing the momentous challenges and opportunities of the era of the 1970s. The Nation needs the talents and the energies of each and every citizen, and it needs all their votes on election day.

I am convinced that nationwide, non-partisan voter registration campaigns could substantially reduce the number of qualified citizens who

will be barred from voting in the forthcoming general elections by reason of failure to comply with election registration laws.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim September, 1972, as National Voter Registration Month, and I urge the Governors, and election officials of the several States, together with other officials, candidates for public office, and political parties and organizations, to institute non-partisan campaigns designed to achieve the registration of as many qualified citizens as possible prior to the forthcoming elections.

I also urge all interested citizens and all civic and educational organizations to participate in voter registration campaigns and to take all appropriate steps to assure maximum registration of qualified voters.

Finally, I urge our newspapers, magazines, and other periodicals, our television and radio stations and networks, and all other news media to publicize and promote voter registration drives and the importance of voter registration.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of July, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4143

Captive Nations Week, 1972

By the President of the United States of America

July 15, 1972

A Proclamation

The cause of human rights and personal dignity remains a universal aspiration. Yet, in much of the world, the struggle for freedom and independence continues. It is appropriate, therefore, that we who value our own precious heritage should manifest our sympathy and understanding for those to whom these benefits are denied. The Eighty-Sixth Congress on July 17, 1959, by a joint resolution, authorized and requested the President to proclaim the third week of July in each year as Captive Nations Week in support of this sentiment. 73 Stat. 212.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 16, 1972, 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 them to give renewed devotion to the just aspirations of all peoples for self-determination and human liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of July, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4144

American Education Week, 1972

July 26, 1972

By the President of the United States of America

A Proclamation

Daniel Webster said: "On the diffusion of education among the people rest the preservation and perpetuation of our free institutions."

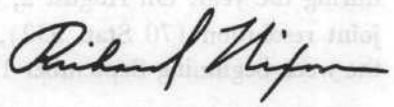
Webster was right. Not only will the quality of our young people's future be determined by the quality of the education they receive, but a nation of free institutions depends for its greatness on the knowledge and understanding of its people. Therefore, nothing matters more to the future of America than the strength, the vitality and the success of its educational system.

Throughout the Nation, citizens are engaged in a massive effort to maintain and improve the quality of our education, and to ensure that it keeps ahead of the growing challenges it faces in an ever more complex society. Our continued success as a Nation will depend in large measure on the readiness and capacity of our schools to meet their new tasks in new ways, while holding fast to the fundamental virtues of our democracy and the integrity of the learning process.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period of October 22 through October 28, 1972, as American Education Week.

Education is the doorway to opportunity, and the theme of American Education Week, "Make Education Top Priority," carries with it a commitment to provide equal educational opportunity for every individual in this Nation. I urge all citizens to help our schools honor this commitment.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of July, in the year of our Lord nineteen hundred seventy-two and of the Independence of the United States of America the one hundred ninety-seventh.



PROCLAMATION 4145

Citizenship Day and Constitution Week, 1972

August 3, 1972

By The President of The United States of America

A Proclamation

One hundred and eighty-five years ago a group of determined and purposeful men assembled in Philadelphia and signed the Constitution of the United States. They gave form to our ideals of self-government, and laid the foundation for a community of free people in which the inalienable right to life, liberty, and the pursuit of happiness could flourish.

USC prec. title 1.

The world has changed greatly since then. But their work has endured, as a source of strength to America and of inspiration to the world. As a representative democracy, the United States has prospered beyond man's wildest dreams and has become a shining symbol of freedom for men and women everywhere. Within the framework of this fundamental law, our people enjoy the rights, the freedoms and the exercise of responsibilities to which people everywhere aspire.

The Constitution of the United States is no mere impersonal doctrine. It is an instrument of our people. Its vitality and meaning depend upon the purpose and the energy of all of our citizens.

President Grover Cleveland said: "I indulge in no mere figure of speech when I say that our nation * * * lives in us—in our hearts and minds and consciences. There it must find its nutriment or die. This thought more than any other presents to our minds the impressiveness and responsibility of American citizenship. The land we live in seems to be strong and active. But how fares the land that lives in us?" Today it is the land that lives in us which will determine the course of this Nation.

On February 29, 1952, the Congress approved a joint resolution (66 Stat. 9) setting aside the seventeenth day of September of each year as

36 USC 153.

USC prec. title 1.

Citizenship Day in commemoration of the signing of the Constitution of the United States on September 17, 1787, and in recognition of all who, by coming of age or by naturalization, had attained citizenship during the year. On August 2, 1956, the Congress approved a second joint resolution (70 Stat. 932), requesting the President to designate the week beginning September 17 of each year as Constitution Week.

36 USC 159.

NOW, THEREFORE, I RICHARD NIXON, President of the United States of America, direct the appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1972. I urge Federal, State, and local officials, as well as all religious, civic, educational, and other interested organizations to make arrangements for impressive, meaningful pageants and observances on that day to inspire all our citizens to rededicate themselves to the services of their country and to the support and defense of the Constitution.

I also designate the period beginning September 17 and ending September 23, 1972, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches, and in other suitable places, to the end that our citizens, whether they be naturalized or natural-born, may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of August, in the year of our Lord nineteen hundred seventy-two and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4146

Leif Erikson Day, 1972

August 21, 1972

By the President of the United States of America

A Proclamation

In the year 1000, Norse explorer Leif Erikson braved the then uncharted waters of the North Atlantic to reach the New World's shores. He and his small band exhibited through their explorations a spirit of adventure and courage which overcame the fears binding so many of their fellow Europeans to the Old World.

Now, more than nine hundred years later, we must summon those same qualities to aid us in meeting the challenges of this world and exploring the unknown of outer space. It is most appropriate that we give national recognition to Leif Erikson, and I am happy to comply with the request of the Congress of the United States, in a joint resolution approved September 2, 1964 (78 Stat. 849), that the President proclaim October 9 in each year as Leif Erikson Day. 36 USC 169c.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Monday, October 9, 1972, as Leif Erikson Day; and I direct the appropriate Government officials to display the flag of the United States on all Government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in suitable places across our land.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of August, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4147

Women's Rights Day

By the President of the United States of America

August 26, 1972

A Proclamation

Fifty-two years ago the Secretary of State issued a proclamation declaring the addition of the Nineteenth Amendment to our Constitution. That act marked the culmination of a long struggle by the women of this country to achieve the basic right to participate in our electoral process. 41 Stat. 1823.

As significant as the ratification of the Nineteenth Amendment was, it was not cause for ending women's efforts to achieve their full rights in our society. Rather, it brought an increased awareness of other rights not yet realized.

In recent years there have been great strides in extending the protection of the law to the rights of women, and in promoting equal opportunities for women. Today more women than ever before serve in policy-making

positions in the executive branch of our Government. Throughout the Nation, in State and local government and in the private sphere women are playing a more active role.

Although every woman may not desire a career outside the home, every woman should have the freedom to pursue whatever career she wishes. Although women today have a greater opportunity to do that, we still must do more to ensure women every opportunity to make the fullest contribution to our progress as a Nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Saturday, August 26, 1972, as Women's Rights Day and call upon all our citizens and particularly those organizations concerned with the protection of human rights to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of August, in the year of our Lord nineteen hundred seventy-two and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4148

Farmfest, U.S.A., 1972

August 28, 1972

By the President of the United States of America

A Proclamation

Farmfest, U.S.A., an exposition to be held near Vernon Center, Blue Earth County, Minnesota, from September 11 through September 17, 1972, will depict the story of agricultural progress and will feature numerous displays and demonstrations focusing on how our farmers help to feed America and the world.

As part of the weeklong festival, the United States will host the Nineteenth Annual World Ploughing Contest. Homage will be paid to the humble plough, the oldest known tillage tool and worldwide symbol of agriculture, through ploughing matches which represent an agricultural tradition of more than two centuries. They will help to dramatize the advances in farming from days of hard manual labor and animal power to our vast technological capacities.

Farmfest, U.S.A. and the 1972 World Ploughing Contest will provide an appropriate opportunity to salute worldwide agriculture and will promote foreign and domestic trade and commerce in farm commodities.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with Senate Joint Resolution 182, do hereby invite the States of the Union and foreign nations to participate in Farmfest, U.S.A., to be held in Blue Earth County, Minnesota, from September 11, 1972, through September 17, 1972.

Ante, p. 632.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of August, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4149

National Hispanic Heritage Week, 1972

By the President of the United States of America

September 7, 1972

A Proclamation

As we approach the bicentennial of the founding of the United States of America and consider the elements of our national life, the contributions of men and women of Hispanic origin stand out among those which have enriched our heritage and made our land the great country it is today.

Americans of Hispanic origin or descent have enriched the culture of both this Nation and the world—as scientists, as statesmen, as artists, as soldiers, as labor leaders, as bankers, and as humble workers. Throughout our history they have helped to build America. We take special pride in the talented men and women of Hispanic origin who today serve in our government.

To acknowledge these important contributions, the Congress by a joint resolution approved September 17, 1968, requested the President to issue annually a proclamation designating the week which includes September 15 and 16 as National Hispanic Heritage Week. It is for me a welcome privilege to pay homage to Americans of Spanish origin, for in honoring them we honor our Nation's vigorous diversity.

82 Stat. 848.
36 USC 169f.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 10, 1972, and ending September 16, 1972, as National

Hispanic Heritage Week. I call upon all 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 seventh day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4150

Fire Prevention Week, 1972

September 7, 1972

By the President of the United States of America

A Proclamation

One American home catches fire every 56 seconds. The toll in human sorrow, in shattered dreams and plans, in pain and fear overshadow last year's three billion dollars in property loss.

Approximately 12,000 persons lost their lives last year because of fires. Destructive fire knows no prejudices. Its victims come from every neighborhood, from every income bracket, from every race and ethnic group. Yet the burden does not fall evenly because its principal victims are the poor, the very young and the very old.

We have long needed a national focus on fire prevention; and now that focus is being provided by the National Commission on Fire Prevention and Control which I appointed a year ago to study and recommend ways to reduce fire disasters. I endorse the preliminary findings of this Commission which emphasize the need for improved public education, for early detection and alarm, and for better protective equipment for firefighters.

The Commission on Fire Prevention and Control has made a good beginning, but it cannot do our work for us. Only people can prevent fires. We must become constantly alert to the threat of fires to ourselves, our children, and our homes. Fire is almost always the result of human carelessness. Each one of us must become aware—not for a single time, but for all the year—of what he or she can do to prevent fires.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning Octo-

ber 8, 1972, as Fire Prevention Week. I urge every citizen to make this the first week in an entire year of fire awareness and of the ways in which he can eliminate fire hazards and prevent fires.

Our firefighters are selfless public servants. Yet they are too often subjected to physical attack and abuse while on their missions. I call upon all citizens to participate in the fire prevention activities of the various governments and of the National Fire Protection Association. In addition, I urge every citizen to visit his local fire company and to find out what he can do to help our firemen in their difficult but essential work.

I also encourage all Federal agencies to participate in Fire Prevention Week, in cooperation with the Federal Fire Council, by conducting effective fire prevention programs, including fire exit drills and other means of training employees.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4151

National Highway Week, 1972

September 8, 1972

By the President of the United States of America

A Proclamation

America's recent growth patterns have paralleled to a large degree the growth of our great national highway system. This is not a coincidence.

We have learned over the years that where a highway goes, people go.

And where people go, there is new economic activity. New jobs are created, new homes are built, new communities are served and new recreational opportunities are opened.

Highways have been and will continue to be the vital lifelines for thousands of communities across this Nation. Highways link them not only with each other, but with other means of transportation by air, rail or water.

As our Nation continues to grow and prosper, Americans will be traveling on our highways in increasing numbers. Although efforts at the Federal, State and local levels over the past three years succeeded in stabilizing the number of motor vehicle fatalities, we are faced this year with an upward trend in the highway death toll rate.

If the current trend continues, traffic accidents this year will have killed more people than ever before. And the bulk of those killed, maimed or disfigured will be young people with whom the future of our Nation rests.

Given these facts and our studies which show that seven out of every ten crashes are driver-caused, I strongly urge every American to drive responsively and responsibly. I call upon all Americans to assume personal responsibility for reducing injury and death on our highways by using safety belts in their vehicles, by observing legal speed limits and by driving courteously, soberly and defensively at all times.

Only by balancing our expanded use of highways with an increased awareness of traffic safety can we hope to achieve real progress in cutting the accident and death toll on our Nation's roads and streets.

Responsible driving on our great highway system will bring us far towards our goal of a comprehensive, balanced transportation system—a system in which highways will continue to meet our principal needs for mobility, flexibility and convenience in moving people and goods.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 24, 1972, as National Highway Week. I urge Federal, State, and local government officials, as well as highway industry and other organizations, to hold appropriate ceremonies during that week in recognition of what highway transportation means to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4152

General Pulaski's Memorial Day, 1972

By the President of the United States of America

September 13, 1972

A Proclamation

On October 11, 1779, Casimir Pulaski died a hero in the Battle of Savannah. On this one hundred and ninety-third anniversary of that event, we are reminded of his gallant efforts and great sacrifice in the struggle for our independence. General Pulaski was one of the earliest of the many individuals of Polish ancestry who have contributed mightily to the cause of freedom in America.

In commemorating General Pulaski's dedication to liberty, we also honor the significant contributions made to this Nation by generations of Americans of Polish ancestry. It is fitting, in remembering General Pulaski's example, that we rededicate ourselves to the fundamental principles of freedom and justice for all on which this Nation was founded and for which Casimir Pulaski fought and gave his life.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Wednesday, October 11, 1972, 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 invite all Americans to join me in observance of that historic day in appropriate ceremonies to honor the memory of General Casimir Pulaski.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4153

National Shut-In Day, 1972

September 13, 1972

By the President of the United States of America

A Proclamation

Too few Americans realize that illness or infirmity confines several million of our fellow citizens to their homes, to nursing homes, or to other institutions.

Although we are developing programs at national, State, and local levels to bring the greatest possible number of these people back into active participation in community life, there are many who will remain shut-ins for the rest of their lives. These people do not have to be shut out, shut away from our concern and from sharing in the life of their communities.

To draw attention to the plight of our shut-in citizens, and to encourage continuing efforts to lessen their isolation, the Congress, by a joint resolution approved August 7, 1972, has requested the President to issue a proclamation designating the third Sunday of October 1972 as National Shut-In Day.

Ante, p. 504.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Sunday, October 15, 1972, as National Shut-In Day.

On that day, I urge all my fellow Americans who are fortunate enough not to be shut-ins to visit those who are less fortunate and are confined to their own homes, to nursing homes and to homes for the aged. In addition, I urge that this be the first of many visits, a new beginning of concern in the days that follow.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4154

National Employ the Handicapped Week, 1972

By the President of the United States of America

September 14, 1972

A Proclamation

Twenty-five years ago our Nation made a commitment to eliminating the prejudice which plagued our handicapped citizens.

Following the end of World War II, a national effort was initiated to bring job equality to handicapped men and women. We decided to substitute voluntary responsibility for the compulsion of law, and to mount a citizens' campaign nationwide to persuade employers to hire the handicapped.

In 1947 volunteers from industry and business, from labor organizations and government, from civic, fraternal, veterans, and professional groups, and from other areas of the public were organized as the President's Committee on Employment of the Handicapped. The record of their achievements is compelling testimony to the power of voluntarism. Since the formation of that Committee, an estimated eight million handicapped men and women have entered the world of work, the result of neighbor talking to neighbor.

Our appeal to employers, through national, State and local channels, emphasized the business advantages of hiring handicapped workers—their exceptional performance and their outstanding characteristics as employees. Over the years, handicapped workers have merited that description and justified that claim. Their talents and energies have contributed to all areas of production. As scientists, teachers, aerospace technicians, government officials, professional persons, clerks, tradesmen—in fact, in nearly every occupation—they have contributed to America's progress and to their communities' progress.

It is appropriate during this anniversary year to acknowledge the great strides we have made towards our goal, to express our gratitude to the

volunteers in this program, and re-emphasize our admiration for good work done by the handicapped themselves. Although much has been done there is more that must be done.

We have not yet erased all the prejudice against the handicapped. We have not yet convinced every employer of their worth. We have not yet eliminated all the barriers that hamper their mobility. We have a continuing responsibility to help them towards these ends.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with the joint resolution of the Congress approved August 11, 1945, as amended (36 U.S.C. 155), designating the first full week of October of each year as National Employ the Handicapped Week, do hereby call upon the people of the United States to observe the week beginning October 1, 1972, for such purpose.

59 Stat. 530; 84 Stat. 915.

I urge the Nation's Governors, mayors, and all other public officials, as well as leaders in every area of American life, to join with the handicapped themselves and to take an active part in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4155

Child Health Day, 1972

September 15, 1972

By the President of the United States of America

A Proclamation

This Nation's children represent our greatest responsibility and our greatest hope. We all share a continuous obligation to do all we can to safeguard and promote their health and well-being. Since 1928, we have given special recognition to this obligation by setting aside one day a year as Child Health Day.

It is a day to consider the miracle of life, and to realize that all of America's children are in a way the responsibility of every American because they represent this Nation's future.

It is a day for each of us to consider what he or she can do to further the healthy development of those young lives which will shape the future.

It is, above all, a day to renew our quest for a world of peace in which all children can grow and live as brothers and sisters.

The Congress, showing its concern by a joint resolution of May 18, 1928, as amended (36 U.S.C. 143), requested the President to issue annually a proclamation declaring the first Monday in October as Child Health Day. 45 Stat. 617; 73 Stat. 627.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Monday, October 2, 1972, as Child Health Day.

I invite all agencies and organizations interested in child welfare to unite upon that day in the observance of such activities as will awaken the people of the Nation to the fundamental necessity of a year-round program for the protection and development of the health of the Nation's children.

In addition, Child Health Day is an appropriate time to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to improve the health of children around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4156

Modifying Proclamation 3279, Relating to Imports of Petroleum and Petroleum Products

By the President of the United States of America

September 18, 1972

A Proclamation

Pursuant to paragraph (a) of section 6 of Proclamation 3279, as amended, the Director of the Office of Emergency Preparedness maintains a constant surveillance of imports of petroleum and its primary derivatives and their effect on national security. The Director has found that changes in the supply of and demand for petroleum and its deriva- 73 Stat. C28. 19 USC 1862 note.

tives have been occurring rapidly and additional flexibility should be provided for the orderly administration of Proclamation 3279, as amended, during the remainder of 1972. Therefore, the Director has recommended, with the advice of the Oil Policy Committee, that additional imports of No. 2 fuel oil be permitted and that holders of certain allocations under said Proclamation should be permitted to import petroleum and its derivatives in advance of allocations to be made for 1973.

Ante, p. 1635.

I agree with the above finding and recommendation of the Director and deem it necessary and consistent with the security objectives of Proclamation 3279, as amended, to adjust the imports of petroleum and petroleum products, and to improve the administration of the program, as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective as of this date, Proclamation 3279, as amended, is further amended as follows:

76 Stat. 877.
19 USC 1862.

Ante, p. 1636.

1. In subparagraph (1) of paragraph (a) of section 2, add the following sentence after the third sentence, "In addition to the quantity of No. 2 fuel oil provided in the preceding sentence, the Secretary may allocate for the period January 1, 1972, through December 31, 1972, an additional 5,000 barrels per day of such fuel oil to persons who qualify for allocations under the preceding sentence."

81 Stat. 1117; 84 Stat. 2266.
19 USC 1862 note.

2. Add the following subparagraph (3) in paragraph (a) of section 2:

"(3) For the allocation period January 1, 1972, through December 31, 1972, the Secretary may make allocations in excess of the levels provided in subparagraph (1) of this paragraph which excess allocations may be imported at any time through December 31, 1973. However, no allocation under this subparagraph shall be made to any person to whom an allocation was not made prior to September 1, 1972, and any such excess allocation shall not exceed 10% of the allocations made to any such allocation holder prior to September 1, 1972 for the allocation year commencing January 1, 1972. Any such excess allocation shall be deducted from any allocation which may be hereafter made to him for the period January 1, 1973, through December 31, 1973."

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred seventy-two and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4157

National Coaches Day

By the President of the United States of America

September 19, 1972

A Proclamation

Over the years, we as a Nation have become increasingly sports-minded. We are intensely aware of the achievements of our professional athletes and have given them well-deserved recognition. We are especially proud this year of the members of our Olympic teams. And we are also enthusiastic about the fine athletes in our high schools, colleges, and universities.

Yet, despite the talent of these men and women and their initial promise, many of them could not have risen to their current performance levels without the guidance and encouragement of those who have coached them at every stage of their progression. Whether or not they achieve athletic distinction, most of those who participate in organized sports will become better citizens because of the lessons they have learned from their coaches and because of the example which their coaches have set for them.

Coaches are highly qualified teachers—in highly specialized fields. But more than that, they are friends and counselors who help to instill in their charges important attitudes that will serve them all their lives. I know from my own experience how much an understanding coach can do to shape the life of a young person. For a coach can help to teach a student the value of teamwork, discipline, and a healthy attitude toward competition. A coach can help a young person learn how to win gracefully and how to grow from defeat. A coach can help build that moral fiber on which our future as a Nation depends.

The coaches of America, in sports and in many other fields of endeavor, do not work for personal glory. Their satisfaction usually comes through the achievements of others whom they have helped. It is appropriate that our Nation join in according them the recognition and honor which they so richly deserve, for they represent the finest elements in the American character.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with Senate Joint Resolution 213, do hereby proclaim October 6, 1972, as National Coaches Day. I call upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

Ante, p. 633.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4158

National Microfilm Week

September 23, 1972

By the President of the United States of America

A Proclamation

The development of microfilm technology has revolutionized the collection, retrieval, and dissemination of information, and the preservation and use of records. The industry which fostered that technology has brought great advances in efficiency and accuracy to the records of business, government, academic and cultural institutions, and other users.

Today, microfilm serves as an economical and efficient tool for banks, stores and other businesses, hospitals, schools, and libraries. It enables scholars and other researchers to expand their explorations into documentary sources without a commensurate increase in travel and other costs.

And it is invaluable to the Government, the largest single user of microfilm. For example, by maintaining social security records in microfilm, the Federal Government can keep such records up-to-date and readily accessible for fast and efficient service to our citizens. Through the use of microfilm, the National Archives and the Library of Congress can make documentary information available for research while, at the same time, they preserve original source materials which would deteriorate through heavy use.

Acknowledging the important contributions made by microfilm in the day-to-day life of America and the accomplishments of the microfilm industry, the Congress, by House Joint Resolution 1193, has requested the President to designate the week which begins on September 24, 1972, as National Microfilm Week. I welcome the opportunity to do so.

Ante, p. 722.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 24, 1972, as National Microfilm Week; and I invite the Governors

of the States and mayors or other appropriate local government officials to issue similar proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4159

Veterans Day 1972

September 25, 1972

By the President of the United States of America

A Proclamation

As American troops return home from another distant conflict, and when, for the first time in this century, the hope is strong for a full generation of peace, it is particularly fitting that we should pay tribute to the veterans who have served our Nation's flag with honor.

No group has sacrificed more for the cause of peace and freedom than the men and women who have proudly worn the American uniform. In serving God and country, they have sought not glory for themselves, but peace and freedom for us all. As a Nation, we owe them an enduring debt.

Each year we choose a special day to salute them—to pay homage to the millions of quiet, undemanding heroes who have served so that other generations might be spared war's anguish and destruction.

Today, when their efforts are beginning to bear fruit, America should honor them with a very special salute. For they have expressed in their service much of what is finest in our Nation—courage, selflessness, discipline and devotion. These are qualities we will need as much to build a future at peace as we have needed in the past in time of war.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon all Americans to join in commemorating Monday, October 23, 1972, as Veterans Day with suitable observances. I urge all Americans especially to honor the memory of those who have fallen in battle, those of our veterans who lie in hospital beds today, and the brave men held prisoner or missing in action in Southeast Asia, and all their families and dependents. And let us also pledge to accord, not just on one day, but on each day, to the living veterans, especially the disabled, the traditional respect for those who risked their lives

82 Stat. 250.
5 USC 6103.

that freedom might be preserved. Let all Americans give these veterans a helping hand in their readjustment to civilian life.

Let us, as a people, give them our gratitude and our prayers.

I direct the appropriate officials of Government to arrange for the display of the flag of the United States on that day. And I request the officials of Federal, State and local governments, schools, civic and patriotic organizations to give their enthusiastic support and leadership to appropriate public ceremonies throughout the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4160

National Heritage Day

September 30, 1972

By the President of the United States of America

A Proclamation

The special quality of the United States is the interaction of many peoples from many lands, each asserting the freedom to be different, each respecting and honoring his own ethnic heritage, while contributing to a nation in which all are Americans together.

The shining guarantee of our national future is precisely the repeated rebirth, the reinvigoration, the gift of renewal, implicit in this constant meeting of the world's peoples here in our own land.

The unusual virtue of the United States is that all men and women are accepted for what they are, with friendship and respect founded upon knowledge and understanding of all races, creeds, and national origins.

The "melting pot" is one of unity, but never of uniformity.

The national pride of the United States is, in this sense, pride of our people in the heritage we draw from all nations.

Ante, p. 754.

In order that we may pause for a moment to express our appreciation of America's heritage, the Congress, by House Joint Resolution 1304, has requested the President to issue a proclamation designating Sunday, October 1, 1972, as National Heritage Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Sunday, October 1, 1972, as National Heritage Day. I call upon all Americans to reflect upon the composite vitality, enthusiasm and tenacity of the many separate peoples who have built our beloved country, and to celebrate, with appropriate ceremonies, the fact that our one nation is many nations, and our many nations are one nation, dedicated to freedom, under God.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4161

Columbus Day, 1972

By the President of the United States of America

October 3, 1972

A Proclamation

On Columbus Day, 1972, we once again celebrate the memorable achievements of the great navigator and explorer whose vision and daring led to much of the permanent settlement of the Americas by the peoples of Europe.

When Christopher Columbus, a son of Italy sailing in the service of Spain, crossed the uncharted ocean sea in 1492, he helped to open a new chapter in the history of mankind. Columbus was among the first in a long series of courageous trail blazers, who have moved us forward across perilous areas of sea, land, and space in pursuit of greater knowledge of the globe and its surroundings.

All Americans take pride in recalling the accomplishments of Columbus. We count the memory of his courage in confronting unknown dangers and his indomitable faith in overcoming the setbacks which preceded his voyage as among the ideals which helped to shape the American character.

In tribute to the achievements of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

5 USC 6103.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Monday, October 9, 1972, 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 third day of October, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4162

National Legal Secretaries' Court Observance Week

October 7, 1972

By the President of the United States of America

A Proclamation

Secretaries to lawyers and judges play an important role in our judicial system, providing competent, dedicated and loyal service to the leaders of the bar.

Many legal secretaries, however, have never visited a court and observed justice in action. In order that they may have an opportunity to do so, and in the belief that such visits can further a legal secretary's understanding, interest, and efficiency in her work, the Congress, by House Joint Resolution 807, has requested the President to designate the second full week in October, 1972, as National Legal Secretaries' Court Observance Week.

Ante, p. 776.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning October 8, 1972, as National Legal Secretaries' Court Observance Week. I call upon the people of the United States, particularly the legal community, to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred

seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4163

National School Lunch Week, 1972

By the President of the United States of America

October 7, 1972

A Proclamation

The National School Lunch Program, now in its twenty-sixth year, has become one of the Nation's most important programs for safeguarding the health and well-being of America's children.

Last year some 25 million children shared nearly four billion lunches served in their schools. Of these, nearly one-third were needy youngsters who were fed without charge.

This program has expanded at such a rapid rate—today it is nearly two and one-half times as large as it was three years ago—that we can now foresee the day when the hunger gap will be closed across America.

Through the efforts of local, State, and Federal agencies and private groups and organizations, children in over 82,000 schools now can buy a nutritious lunch at low cost—or enjoy a free lunch.

In recognition of the fact that the National School Lunch Program involves a community effort, dependent upon the interest and support of citizens, the Congress, by a joint resolution of October 9, 1962, designated the week beginning on the second Sunday of October each year as National School Lunch Week, and requested the President to issue annually a proclamation for the observance of that week.

76 Stat. 779.
36 USC 168.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby urge the people of the United States to observe the week of October 8, 1972, as National School Lunch Week, to give special and deserved recognition to the role of good nutrition in building a stronger America through its youth.

IN WITNESS WHEREOF, I have hereunto set my hand this

seventh day of October, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4164

Drug Abuse Prevention Week

October 7, 1972

By the President of the United States of America

A Proclamation

Ordinary modes of expression scarcely do justice to outrage. The enormous human tragedy of drug abuse gives pause to our customary gesture of setting aside seven days a year for intensified concern with this or that social problem. More than a problem, narcotics and dangerous drugs are a grave emergency threatening each and all of us.

Drug Abuse Prevention Week, therefore, is but one more occasion to redouble our war against this enemy, to take stock of large victories won in a short time, identify areas of continuing concern and target more resources on them.

The first lesson America has had to learn is that drug abuse prevention, all abstractions aside, is a matter of saving lives: our children's, our neighbors', our own, our Nation's. Heroin addicts, as many as half a million of them, need all the help we can give them; so do countless others who abuse pills of every sort, hallucinogens and marijuana.

That help is now on the way. The glamorization of drugs has been halted. The full power of government has been mobilized to provide rehabilitation and treatment, to enforce the laws, to pinch off opium and other drug sources all over the world. Medical research has been stepped up. Our schools, our churches, and our communications media are pushing preventive educational campaigns.

With national heroin shortages now developing, with more and more addicts seeking treatment, and with the steady resurgence of those moral and spiritual strengths which are a people's ultimate defense against drug abuse, we can find good reason to be hopeful for the future. But even one person addicted or led into drug abuse is one too many, and we shall not have discharged our humane duty until all are rescued from this plague. In this spirit let us press forward.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning October 15, 1972, as the third annual Drug Abuse Prevention Week.

I call upon officials at every level of government, upon educators, medical professionals, and communicators, upon the business community and the civic groups of our Nation, upon the churches and the clergy, and upon all who bear the special trusts of parenthood and care of the young, to rededicate themselves during this week to the total banishment of drug abuse from American life.

I urge every American to commit himself wholeheartedly, beginning now, to this supremely important humanitarian cause.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4165

National Day of Prayer

October 9, 1972

By the President of the United States of America

A Proclamation

The great king Solomon, told in a night vision to ask what he wished of God, was reverent and humble enough to pray, "I am but a little child . . . Give therefore Thy servant an understanding heart . . . for who is able to judge this Thy so great a people?"

In our time as in Solomon's, no nation can expect to prosper and live in peace—no people can govern themselves wisely—except they invoke and rely on the divine wisdom.

In all our concerns and all our affairs as a nation, both at home and abroad, prayer should be not merely an embellishment, but an essential: both the prayer of affirmation that our God is great and good, that He made us and not we ourselves, and the prayer of petition that He may guide and protect us every one.

In 1952 the Congress directed the President to set aside a suitable day other than a Sunday each year as a National Day of Prayer, in recognition of the profound religious faith on which America is built.

66 Stat. 64.
36 USC 185.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Wednesday, October 18, as National Day of Prayer, 1972.

I call upon all Americans to pray that day, each after his or her own manner and convictions, for Deity's blessing on our land and for peace on earth, goodwill among all men.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4166

Country Music Month, October 1972

October 9, 1972

By the President of the United States of America

A Proclamation

The heart of a people is found in their music, and no music is more deeply rooted in the soul of America than country music.

It is no accident that country music is more popular today than ever before. For in the strum of the guitar, the twang of the banjo, and the proud pure voices of country singers, we hear the echo of America's past and the hope for our future.

Strong, simple and moving, country music reflects the joys, the sorrows and the ideals of our people. Love of family, love of country, faith in God, and the happiness and heartbreak of everyday life—these are the themes that run throughout our country music, and that bind us all together as Americans.

Who can resist tapping foot and joining in when the strains of country music strike up? Country music belongs to no one region or set of people, but to us all. It has given us some of the greatest entertainers and folk heroes, and we have taken it to our heart as a nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, ask the people of this Nation to mark the month of October, 1972, with suitable observances as Country Music Month.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4167

National Newspaper Carrier Day, 1972

By the President of the United States of America

October 13, 1972

A Proclamation

Young boys and girls who serve as newspaper carriers all across our country are the inheritors of a great American tradition. For many decades, the roster of former news carriers has included leaders in every area of our society. The responsibilities of newspaper carrying have long provided an ideal training experience for millions of young Americans.

There are now more than one million newspaper carriers in our country. The habits they are learning today will make them better citizens tomorrow. And we can expect that the important and diligent service they are presently providing for the American people will also continue as they move into full time occupations.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Saturday, October 14, 1972, as National Newspaper Carrier Day. I urge all the people of this country to join on this day in paying generous tribute to the boys and girls who serve them in this vital capacity.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of October, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

PROCLAMATION 4168

National Forest Products Week, 1972

October 14, 1972

By the President of the United States of America

A Proclamation

Each year America's forest lands provide our people with a growing supply of useful wood products—lumber and plywood for housing and industrial purposes, paper for wrappings, containers, newspapers and books, and numerous other items that contribute to the comfort and well-being of our citizens. The people derive many other benefits from our forest lands; among them, recreation sites for families, wildlife habitats, fishing and hunting opportunities, and natural beauty.

In meeting the steadily increasing demands of an expanding population for wood and wood products, our forest products industries produce jobs and help to assure economic stability, especially to our rural and small communities. They also contribute substantially to maintaining the high standard of living which Americans of this century have come to enjoy and to expect.

With far-sighted management and utilization practices, America can continue to provide products of utility and beauty from the country's renewable forest resources without adverse impact on the environment. Through cooperative research between Federal agencies and private industries, we can find new and better ways both to utilize commercial timber more completely, and simultaneously to protect our forest lands.

In order to give further recognition and emphasis to the importance of forest resources and forest products to the Nation, the Congress, by a joint resolution of September 13, 1960 (74 Stat. 898), has designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue an annual proclamation calling for the observance of that week.

36 USC 163.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 15, 1972, as National Forest Products Week, with activities and ceremonies designed to direct public attention toward, and demonstrate our appreciation for, the forest resources which are ours in such abundance and for the role they play in enhancing our material, emotional, and spiritual well-being.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

PROCLAMATION 4169

National Sokol Day

By The President of The United States of America

October 19, 1972

A Proclamation

Theodore Roosevelt characterized an important quality of life in America when he urged on his countrymen "* * * not the doctrine of ignoble ease, but the doctrine of the strenuous life."

Americans have always prized physical vigor and vitality. Today all of us take pride in our Olympic teams, our great professional stars, and the thousands of fine young athletes in our schools and colleges.

Our high regard for physical fitness and athletic skill is well-founded. Just as these qualities were keys to survival and progress in centuries past, today they are important ingredients of a healthy life. Yet vigor and vitality are no longer natural by-products of our everyday lives. They must be developed through rigorous programs of physical exercise and training.

On October 30, 1892, the first American Slovak Sokol Society was established to help meet this need. In the 80 years since then, the Sokol has grown to include more than 23,000 members, and its gymnasiums have become famous worldwide as training grounds for gymnastics, physical fitness and good sportsmanship.

The Sokols, which trace their beginnings to Czechoslovakia, exemplify much that we identify with the best of America. For this reason, and because they have contributed significantly to the current revival of interest in gymnastics and physical fitness, it is appropriate that we join in recognizing them and the role they play in our society.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with House Joint Resolution

Ante, p. 803. 1263, do hereby proclaim October 30, 1972, as National Sokol Day. I call upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord nineteen hundred seventy two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

GUIDE TO LEGISLATIVE HISTORY OF PUBLIC LAWS

GUIDE TO LEGISLATIVE HISTORY OF

(92d CONGRESS

NOTE: Companion bills

Public Law		86 Stat.	Bill No.	House	
No.	Date approved			Report No.	Committee reporting
	1972				
92–225	Feb. 7	3	S. 382 (H.R. 11060)	92–564 92–752	House Administration [Conference]
92–226	Feb. 7	20	S. 2819 (H.R. 9910) (S. 2820).	92–380 92–761	Foreign Affairs [Conference]
92–227	Feb. 15	36	H.R. 11487	92–600	Science and Astronautics
92–228	Feb. 15	37	H.R. 7987	92–795	Banking and Currency
92–229	Feb. 15	37	H.R. 12488 (S. 3033)	92–774	Public Works
92–230	Feb. 15	38	S. 959 (H.R. 3338)	92–765	Interior and Insular Affairs
92–231	Feb. 15	38	S. 1838	92–751	Agriculture
92–232	Feb. 15	39	S. J. Res 196		
92–233	Feb. 15	39	S. 2672	92–796	Agriculture
92–234	Feb. 17	39	S.J. Res. 153	92–488	Judiciary
92–235	Feb. 21	40	S.J. Res. 197 (H.J. Res. 1025).	92–605	Labor and Public Welfare
92–236	Mar. 1	42	S. 1857	92–802	Judiciary
92–237	Mar. 1	44	S. 7 (H.R. 8382)	92–807	Interior and Insular Affairs
92–238	Mar. 1	46	H.R. 8699	92–272	Judiciary
92–239	Mar. 1	47	H.R. 9180	92–582	Judiciary
92–240	Mar. 1	47	S. 3122 (H.R. 12741)	92–812 92–834	Public Works [Conference]
92–241	Mar. 6	48	S. 960 (H.R. 3339)	92–766	Interior and Insular Affairs
92–242	Mar. 8	48	H.R. 12067	92–711 92–849	Appropriations [Conference]
92–243	Mar. 9	56	S. 2896	92–811	Post Office and Civil Service
92–244	Mar. 9	56	H.R. 6291	92–637	Interior and Insular Affairs
92–245	Mar. 10	57	S. 749	92–771 92–831	Banking and Currency [Conference]
92–246	Mar. 10	59	S. 748	92–770 92–830	Banking and Currency [Conference]
92–247	Mar. 10	60	S. 2010	92–772 92–832	Banking and Currency [Conference]
92–248	Mar. 10	61	S.J. Res. 189		
92–249	Mar. 10	62	H.R. 11738	92–670	Armed Services
92–250	Mar. 15	63	H.R. 12910	92–814 92–910	Ways and Means [Conference]
92–251	Mar. 17	63	S.J. Res. 190	92–853	Judiciary
92–252	Mar. 17	63	S. 3244 (H.R. 11624)	92–671	Armed Services
92–253	Mar. 17	64	S. 602 (H.R. 3333)	92–696 92–892	Interior and Insular Affairs [Conference]
92–254	Mar. 18	64	S. 671 (H.R. 9325)	92–698 92–893	Interior and Insular Affairs [Conference]
92–255	Mar. 21	65	S. 2097 (H.R. 12089)	92–775 92–920	Interstate and Foreign Commerce [Conference]

BILLS ENACTED INTO PUBLIC LAW

2d SESSION)

are in parentheses

Senate		Dates of consideration and passage: Congressional Record, Vol. 117 (1971); Vol. 118 (1972)		Presidential statement: Public Papers of the Presidents
Report No.	Committee reporting	House	Senate	
				Nixon: 1972
92–96	Commerce	Nov. 18, 29, 30,	July 21, 23,	Feb. 7.
92–229	Rules and Administration	1971; Jan. 19,	Aug. 2–5,	
92–580	[Conference]	1972.	Dec. 14, 1971.	
92–404, 92–431, 92–432	Foreign Relations	Aug. 3, Nov. 18, 1971; Jan. 25, 1972.	Oct. 26–29, Nov. 9–11, Dec. 17, 1971.	
92–590	[Conference]			
92–600	Aeronautical and Space Sciences.	Nov. 15, 1971; Feb. 7, 1972.	Feb. 3, 1972	
92–603	Banking, Housing and Urban Affairs.	Feb. 2, 1972	Feb. 7, 1972	
92–599	Public Works	Feb. 7, 1972	Feb. 8, 1972	
92–329	Interior and Insular Affairs	Feb. 7, 1972	Aug. 2, 1971	
92–386	Agriculture and Forestry	Feb. 7, 1972	Oct. 6, 1971	
		Feb. 7, 1972	Feb. 4, 1972	
92–429	Agriculture and Forestry	Feb. 7, 1972	Nov. 16, 1971	
92–488	Judiciary	Feb. 8, 1972	Nov. 18, 1971	
92–605	Labor and Public Welfare	Feb. 8, 1972	Feb. 9, 1972	Feb. 21.
92–487	Judiciary	Feb. 7, 1972	Dec. 2, 1971; Feb. 15, 1972.	
92–130	Interior and Insular Affairs	Feb. 7, 1972	May 21, 1971; Feb. 9, 1972.	
92–616	Judiciary	July 13, 1971	Feb. 18, 1972	
92–617	Judiciary	Nov. 1, 1971	Feb. 18, 1972	
92–602	Public Works	Feb. 7, 16, 1972.	Feb. 3, 16, 1972.	
92–330	Interior and Insular Affairs	Feb. 7, 1972	Aug. 2, 1971; Feb. 22, 1972.	
92–594	Appropriations	Dec. 8, 1971; Feb. 24, 1972.	Feb. 2–4, Mar. 2, 1972.	
92–527	Post Office and Civil Service	Feb. 22, 1972	Dec. 3, 1971	
92–642	Interior and Insular Affairs	Nov. 15, 1971	Feb. 28, 1972	
92–397	Foreign Relations	Feb. 1, 22, 1972.	Oct. 20, 1971; Mar. 1, 1972.	Mar. 10.
92–608	[Conference]			
92–395	Foreign Relations	Feb. 1, 22, 1972.	Oct. 19, 1971; Mar. 1, 1972.	
92–607	[Conference]			
92–396	Foreign Relations	Feb. 1, 22, 1972.	Oct. 20, 1971; Mar. 1, 1972.	
92–609	[Conference]			
92–619	Judiciary	Feb. 22, 1972	Feb. 18, 1972	
92–631	Armed Services	Dec. 6, 1971	Feb. 21, 1972	
92–679	Finance	Feb. 9, Mar. 13, 15, 1972.	Mar. 3, 6–8, 15, 1972.	
92–615	Judiciary	Mar. 6, 1972	Feb. 18, 1972	
92–646	Armed Services	Mar. 8, 1972	Mar 1, 1972	
92–334	Interior and Insular Affairs	Dec. 6, 1971; Mar. 7, 1972.	Aug. 2, 1971; Mar. 8, 1972.	
92–27	Interior and Insular Affairs	Dec. 6, 1971; Mar. 7, 1972.	Mar. 11, 1971; Mar. 8, 1972.	
92–486	Government Operations	Feb. 3, Mar. 16,	Dec. 2, 1971;	Mar. 21.
92–509	Labor and Public Welfare	1972.	Mar. 17, 1972.	

Public Law		86 Stat.	Bill No.	House	
No.	Date approved			Report No.	Committee reporting
	1972				
92–256	Mar. 21	86	H.J. Res. 1097	92–909	Appropriations
92–257	Mar. 21	87	S. 860	92–852	Interior and Insular Affairs
92–258	Mar. 22	88	S. 1163	92–726	Education and Labor
92–259	Mar. 22	95	S. 2423 (H.R. 11416)	92–854	Interstate and Foreign Commerce
92–260	Mar. 23	99	S. 1977 (H.R. 8763)	92–894	Interior and Insular Affairs
92–261	Mar. 24	103	H.R. 1746 (S. 2515)	92–238 92–899	Education and Labor [Conference]
92–262	Mar. 24	113	H.R. 8293	92–242	Ways and Means
92–263	Mar. 24	113	S. 1362 (H.R. 9802)	92–904	District of Columbia
92–264	Mar. 30	114	S. 18	92–541 92–914	Foreign Affairs [Conference]
92–265	Mar. 30	114	H.R. 10390 (S. 2408)	92–895	Interior and Insular Affairs
92–266	Mar. 30	116	S. 3353 (H.R. 13560)	92–908	Banking and Currency
92–267	Mar. 30	116	S. 904 (H.R. 4174)	92–915	Interstate and Foreign Commerce
92–268	Mar. 31	116	S. 3160 (H.R. 13120)	92–912	Banking and Currency
92–269	Apr. 6	117	S. 1975	92–869	Judiciary
92–270	Apr. 6	118	H.R. 9526	92–680	Armed Services
92–271	Apr. 10	118	H.R. 8787	92–270	Interior and Insular Affairs
92–272	Apr. 11	120	S. 2601 (H.R. 10086)	92–743, 92–743 Pt. II	Interior and Insular Affairs
92–273	Apr. 17	122	H.R. 12749	92–896	Interior and Insular Affairs
92–274	Apr. 20	123	H.J. Res. 1095		
92–275	Apr. 20	123	S. 3153 (H.R. 11839)	92–986	Interior and Insular Affairs
92–276	Apr. 24	123	H.J. Res. 563		
92–277	Apr. 24	124	S. 3054 (H.R. 11570) (*see also* H.R. 11809).	92–702, 92–703 92–966	Education and Labor [Conference]
92–278	Apr. 24	124	H.J. Res. 687		
92–279	Apr. 26	124	H.R. 9900	92–825	Ways and Means
92–280	Apr. 26	126	H.R. 10344	92–609	District of Columbia
92–281	Apr. 26	131	H.R. 9395	92–333	District of Columbia
92–282	Apr. 26	132	S.J. Res. 169		
92–283	Apr. 26	132	S. 766	92–971	Armed Services
92–284	Apr. 29	133	S.J. Res. 218		
92–285	May 1	133	S.J. Res. 117		
92–286	May 1	133	S. 1989	92–948	Post Office and Civil Service
92–287	May 1	133	S. 978	92–978	Interior and Insular Affairs
92–288	May 5	134	H.R. 8817	92–472	Agriculture

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92–688	Appropriations	Mar. 14, 1972	Mar. 15, 1972	
92–76	Interior and Insular Affairs	Mar. 6, 1972	Apr. 29, May 4, 1971; Mar. 8, 1972.	
92–515	Labor and Public Welfare	Dec. 1, 1971; Feb. 7, 1972.	Nov. 30, 1971; Mar. 7, 1972.	
92–593	Commerce	Mar. 1, 1972	Feb. 24, Mar. 7, 1972.	
92–422	Interior and Insular Affairs	Mar. 6, 1972	Nov. 4, 1971; Mar. 14, 1972.	Mar. 24.
92–415, 92–416	Labor and Public Welfare	Sept. 15, 16, 1971; Mar. 8, 1972.	Jan. 19–21, 24–28, 31, Feb. 1–4, 7–9, 14–18, 21, 22, Mar. 6, 1972.	Mar. 25.
92–681	[Conference]			
92–685	Finance	June 8, Nov. 5, 1971.	Mar. 13, 1972	
92–510	District of Columbia	Mar. 13, 1972	Dec. 1, 1971	
92–319	Foreign Relations	Nov. 19, 1971; Mar. 22, 1972.	Aug. 2, 1971; Mar. 24, 1972.	
92–691	[Conference]			
92–682	Interior and Insular Affairs	Mar. 6, 16, 1972	Mar. 8, 17, 1972	
92–692	Banking, Housing and Urban Affairs.	Mar. 20, 1972	Mar. 15, 1972	
92–94	Commerce	Mar. 20, 1972	May 18, June 16, 1971; Mar. 21, 1972.	
92–678	Banking, Housing and Urban Affairs.	Mar. 1, 1972	Mar. 1, 1972	Apr. 3.
92–516	Judiciary	Mar. 6, 1972	Dec. 1, 1971; Mar. 24, 1972.	
92–644	Armed Services	Dec. 6, 1971; Mar. 27, 1972.	Mar. 24, 1972	
92–709	Interior and Insular Affairs	Oct. 21, 1971; Jan. 18, 1972.	Mar. 28, 1972	
92–452	Interior and Insular Affairs	Jan. 31, Mar. 29, 1972.	Nov. 19, 1971; Mar. 14, 1972.	
92–727	Interior and Insular Affairs	Mar. 6, 1972	Apr. 4, 1972	
92–738	Judiciary	Mar. 15, 1972	Apr. 11, 1972	
92–705	Interior and Insular Affairs	Apr. 17, 1972	Mar. 23, Apr. 19, 1972.	
92–736	Judiciary	Mar. 15, 1972	Apr. 11, 1972	
92–610	Labor and Public Welfare	Mar. 16, Apr. 11, 1972.	Feb. 15, Mar. 29, 1972.	
92–725	[Conference]			
92–737	Judiciary	Mar. 15, 1972	Apr. 11, 1972	
92–748	Finance	Feb. 29, 1972	Apr. 13, 1972	
92–747	District of Columbia	Nov. 8, 1971	Apr. 13, 1972	
92–746	District of Columbia	July 12, 1971	Apr. 13, 1972	
92–618	Judiciary	Apr. 12, 1972	Feb. 18, Apr. 17, 1972.	
92–194	Armed Services	Apr. 17, 1972	June 21, 1971	
92–701	Banking, Housing and Urban Affairs.	Apr. 24, 1972	Mar. 29, 1972	
92–676	Judiciary	Apr. 12, 1972	Mar. 2, Apr. 17, 1972.	
92–342	Post Office and Civil Service	Apr. 17, 1972	Aug. 5, 1971; Apr. 19, 1972.	
92–555	Interior and Insular Affairs	Apr. 17, 1972	Dec. 8, 1971	
92–592	Agriculture and Forestry	Oct. 4, 1971	Apr. 19, 1972	

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	1972				
92-289	May 9	135	H.J. Res. 1029		
92-290	May 11	135	S.J. Res. 173	92-1019	House Administration
92-291	May 11	135	S.J. Res. 174	92-1020	House Administration
92-292	May 11	135	S.J. Res. 175	92-1021	House Administration
92-293	May 11	136	S. 2713	92-941	Judiciary
92-294	May 16	136	S. 2676 (H.R. 13592)	92-923	Interstate and Foreign Commerce
92-295	May 16	139	H.R. 9019	92-697	Interior and Insular Affairs
92-296	May 16	140	H.R. 11589	92-617	Merchant Marine and Fisheries
92-297	May 16	141	H.R. 8083	92-516	Post Office and Civil Service
92-298	May 17	146	H.R. 13753	92-936	Post Office and Civil Service
92-299	May 18	146	S.J. Res. 234		
92-300	May 18	147	S. 1379	92-982	Agriculture
92-301	May 18	148	H.R. Res. 1174	92-1016	Appropriations
92-302	May 18	148	H.R. 13334	92-921	Ways and Means
92-303	May 19	150	H.R. 9212	92-460, 92-460 Pt. II	Education and Labor
				92-1048	[Conference]
92-304	May 19	157	H.R. 14070	92-976	Science and Astronautics
92-305	May 19	162	H.R. 13591	92-940	Interstate and Foreign Commerce
92-306	May 27	163	H.R. 14582	92-1015	Appropriations
				92-1063	[Conference]
92-307	June 2	191	H.R. 14655 (H.R. 13752) (S. 3543).	92-1027	Joint Committee on Atomic Energy.
				92-991	Merchant Marine and Fisheries
92-308	June 2	193	H.R. 8116	92-591	Interior and Insular Affairs
92-309	June 2	199	H.R. 5199	92-962	Interior and Insular Affairs
92-310	June 6	201	H.R. 13150	92-932	Post Office and Civil Service
92-311	June 6	215	H.R. 13361 (S. 3068)	92-957	Agriculture
				92-1064	[Conference]
92-312	June 14	216	S. 1140 (H.R. 5332)	92-1073	Interior and Insular Affairs
92-313	June 16	216	S. 1736 (H.R. 10488)	92-989	Public Works
				92-1097	[Conference]
92-314	June 16	222	S. 3607 (H.R. 14990)	92-1066	Joint Committee on Atomic Energy.
92-315	June 20	227	H.R. 9096	92-628	Veterans' Affairs
92-316	June 22	227	H.R. 11417	92-905	Interstate and Foreign Commerce.
				92-1111	[Conference]
92-317	June 22	234	H.R. 13034	92-974	Science and Astronautics
92-318	June 23	235	S. 659 (H.R. 7248)	92-554	Education and Labor
				92-1085	[Conference]
92-319	June 23	381	H.R. 5404	92-980	Agriculture
92-320	June 27	382	S. 3166 (H.R. 10792)	92-1092	Banking and Currency
92-321	June 30	382	S.J. Res. 211	92-1130	Banking and Currency
92-322	June 30	383	S.J. Res. 72	92-1098	Interstate and Foreign Commerce.
92-323	June 30	389	H.R. 9552	92-931	Merchant Marine and Fisheries

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				Nixon: 1972
92-762	Judiciary	Apr. 12, 1972	Apr. 28, 1972	
92-567	Rules and Administration	May 3, 1972	Dec. 10, 1971	
92-568	Rules and Administration	May 3, 1972	Dec. 10, 1971	
92-569	Rules and Administration	May 3, 1972	Dec. 10, 1971	
92-675	Judiciary	May 1, 1972	Mar. 3, 1972	
92-557	Labor and Public Welfare	Mar. 22, May 3, 1972.	Dec. 8, 1971; Apr. 17, 1972.	May 16.
92-768	Interior and Insular Affairs	Dec. 6, 1971	May 3, 1972	
92-758	Commerce	Dec. 1, 1971	May 2, 1972	
92-774	Post Office and Civil Service	Oct. 4, 1971; May 9, 1972.	May 3, 1972	
92-771	Post Office and Civil Service	Apr. 17, 1972	May 3, 1972	
		May 16, 1972	May 16, 1972	
92-696	Agriculture and Forestry	May 1, 1972	Mar. 21, May 10, 1972.	
92-781	Appropriations	May 4, 1972	May 5, 1972	
		May 1, 1972	May 5, 10, 1972.	
92-743 92-780	Labor and Public Welfare [Conference]	Oct. 18, Nov. 9, 10, 1971; May 10, 1972.	Apr. 17, May 4, 1972.	May 20.
92-779	Aeronautical and Space Sciences	Apr. 20, May 16, 1972.	May 11, 1972	
		May 3, 1972	May 5, 1972	
92-763	Appropriations	Apr. 26, May 17, 1972.	May 1, 18, 1972.	May 28.
92-787	Joint Committee on Atomic Energy.	May 3, 1972	May 17, 1972	
92-786	Interior and Insular Affairs	Nov. 15, 1971; May 18, 1972.	May 11, 1972	
92-778	Interior and Insular Affairs	Apr. 17, May 18, 1972.	May 5, 1972	
92-790	Post Office and Civil Service	Apr. 17, 1972	May 18, 1972	
92-729	Agriculture and Forestry	Mar. 29, May 23, 1972.	Apr. 10, May 15, 1972.	
92-770	Interior and Insular Affairs	June 5, 1972	May 3, 1972	
92-412	Public Works	Apr. 19, June 5, 1972.	Nov. 1, 1971; June 7, 1972.	June 16.
92-802	Joint Committee on Atomic Energy.	June 7, 1972	May 25, 1972	
92-543	Veterans' Affairs	Nov. 15, 1971	June 8, 1972	
92-756	Commerce	Mar. 15, June 13, 1972.	Apr. 27, June 8, 1972.	
92-834	[Conference]			
92-832	Commerce	Apr. 25, June 14, 1972.	June 6, 1972	
92-346 92-604 92-798	Labor and Public Welfare [Conference]	Nov. 3-5, 1971; Mar. 8, June 8, 1972.	Aug. 4-6, 1971; Feb. 22-25, 28, 29, Mar. 1, May 23, 24, 1972.	June 23.
92-849	Agriculture and Forestry	May 1, 1972	June 14, 1972	
92-693	Banking, Housing and Urban Affairs.	June 12, 1972	Mar. 22, June 13, 1972.	
92-795	Banking, Housing and Urban Affairs.	June 19, 1972	May 23, 1972	
92-356	Interior and Insular Affairs	June 5, 1972	Aug. 6, 1971; June 21, 1972.	
92-889	Commerce	Apr. 11, 1972	June 21, 1972	

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	1972				
92-324	June 30	390	H.R. 14423	92-1101	Agriculture
92-325	June 30	390	S. 3715	92-1176	Banking and Currency
92-326	June 30	391	H.R. 7088	92-816	Merchant Marine and Fisheries
92-327	June 30	392	H.R. 9580	92-428	District of Columbia
				92-1123	[Conference]
92-328	June 30	393	S. 3338 (H.R. 15439)	92-1125	Veterans' Affairs
92-329	June 30	398	H.R. 15587	92-1156	Ways and Means
92-330	June 30	399	H.R. 12143	92-813	Merchant Marine and Fisheries
92-331	June 30	400	S. 3104 (H.R. 13169)	92-1099	Agriculture
92-332	June 30	401	H.J. Res. 812	92-1029	House Administration
92-333	June 30	401	H.R. 10595	92-1030	House Administration
92-334	July 1	402	H.J. Res. 1234	92-1173	Appropriations
92-335	July 1	405	S.J. Res. 250		
92-336	July 1	406	H.R. 15390	92-1128	Ways and Means
				92-1215	[Conference]
92-337	July 1	423	H.J. Res. 1238	92-1193	Appropriations
92-338	July 7	423	H.R. 1074	92-420	Interstate and Foreign Commerce
92-339	July 7	423	H.R. 6479	92-125	Merchant Marine and Fisheries
93-340	July 10	424	H.R. 8140	92-563	Merchant Marine and Fisheries
				92-1178	[Conference]
92-341	July 10	432	S. 3343	92-1126	Veterans' Affairs
92-342	July 10	432	H.R. 13955	92-937	Appropriations
				92-1167	[Conference]
92-343	July 10	449	H.R. 13188	92-933	Merchant Marine and Fisheries
				92-1177	[Conference]
92-344	July 10	451	H.R. 15259	92-1106	Appropriations
				92-1187	[Conference]
92-345	July 10	456	H.R. 9410	92-1143	Ways and Means
92-346	July 11	457	H.R. 11774	92-985	Interior and Insular Affairs
92-347	July 11	459	S. 1893 (H.R. 6730)	92-742	Interior and Insular Affairs
				92-1164	[Conference]
92-348	July 13	462	S. 979 (H.R. 11384)	92-855	Interstate and Foreign Commerce
				92-1195	[Conference]
92-349	July 13	464	H.R. 15507	92-1155	District of Columbia
92-350	July 13	470	S.J. Res. 245		
92-351	July 13	471	H.R. 15585	92-1150	Appropriations
				92-1174	[Conference]
92-352	July 13	489	H.R. 14734 (S. 3526)	92-1047	Foreign Affairs
				92-1145	[Conference]
92-353	July 18	499	H.R. 15869		
92-354	July 26	499	S. 1545	92-1172	Agriculture
92-355	July 26	500	S. 3086	92-1191	Armed Services
92-356	July 26	500	S. 764		
92-357	July 28	501	S. 1139	92-1171	Agriculture
92-358	July 28	501	H.R. 5237	92-256	Judiciary
92-359	July 28	502	S. 473		
92-360	Aug. 2	503	S. 3772 (H.R. 14538)	92-1165	Armed Services
92-361	Aug. 3	503	H.R. 15950	92-1231	Public Works
92-362	Aug. 4	503	S. 1152	92-1189	Government Operations

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				Nixon: 1972
		June 19, 1972	June 21, 1972	
92-868	Banking, Housing and Urban Affairs.	June 28, 1972	June 20, 1972	
92-824	Commerce	Feb. 7, June 20, 1972.	June 5, 1972	
92-794	District of Columbia	Aug. 4, 1971; June 19, 1972.	May 22, June 12, 1972.	
92-846	[Conference]			
92-845	Veterans' Affairs	June 19, 29, 1972.	June 14, 28, 1972.	July 1.
		June 28, 1972	June 29, 1972	
92-859	Commerce	Feb. 7, 1972	June 16, 1972	
92-848	Agriculture and Forestry	June 19, 1972	June 14, 1972	
92-911	Rules and Administration	May 15, 1972	June 23, 1972	
92-910	Rules and Administration	May 15, 1972	June 23, 1972	
92-927	Appropriations	June 27, 1972	June 29, 30, 1972.	
92-920	Banking, Housing and Urban Affairs.	June 30, 1972	June 28, 30, 1972.	
		June 27, 30, 1972.	June 29, 30, 1972.	
92-959	Appropriations	June 30, 1972	June 30, 1972	
92-828	Commerce	Aug. 2, 1971; June 29, 1972.	June 6, 1972	
92-926	Commerce	Apr. 29, 1971; June 29, 1972.	June 29, 1972	
92-724	Commerce	Oct. 18, 1971; June 28, 1972.	Mar. 30, June 26, 1972.	July 10.
92-720	Veterans' Affairs	June 19, 30, 1972	Apr. 25, June 29, 1972.	
92-719	Appropriations	Mar. 23, June 28, 1972.	Mar. 28, June 29, 1972.	
92-819	Commerce	Apr. 11, June 28, 1972.	June 1, 26, 1972.	
92-844	Appropriations	June 6, 7, 30, 1972.	June 14, 30, 1972.	
		June 30, 1972	June 30, 1972	
92-944	Interior and Insular Affairs	Apr. 17, 1972	June 30, 1972	
92-490	Interior and Insular Affairs	Feb. 7, June 28, 1972.	Nov. 22, 1971; June 29, 1972.	
92-147	Commerce	Mar. 2, June 29, 1972.	June 15, 1971; June 30, 1972.	
92-931	District of Columbia	June 26, 1972	June 29, 1972	July 14.
92-932	Judiciary	June 30, 1972	June 29, 1972	
92-919	Appropriations	June 20, 22, 30, 1972.	June 23, 30, 1972.	
92-754	Foreign Relations	May 17, June 28, 1972.	Apr. 28, May 1, 3, 5, 9, 10, 15-18, 24, 25, 30, 31, June 30, 1972.	
		July 17, 1972	July 17, 1972	
92-178	Agriculture and Forestry	July 17, 1972	June 21, 1971	
92-699	Armed Services	July 17, 1972	Mar. 21, 1972	
92-697	Armed Services	July 17, 1972	Mar. 21, 1972	
92-296	Agriculture and Forestry	July 17, 1972	July 26, 1971	July 28.
92-954	Judiciary	June 21, 1971	July 18, 1972	
92-850	Commerce	July 19, 1972	June 14, 1972	
92-941	Armed Services	July 25, 1972	June 30, 1972	
		July 24, 1972	July 25, 1972	Aug. 4.
92-377	Interior and Insular Affairs	July 17, 1972	Sept. 28, 1971; July 24, 1972.	

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	1972				
92-363	Aug. 7	504	S.J. Res. 208		
92-364	Aug. 7	505	H.R. 736	92-972	Interior and Insular Affairs
92-365	Aug. 7	505	S. 2945	92-1163	Armed Services
92-366	Aug. 7	506	H.R. 8708	92-665	Government Operations
92-367	Aug. 8	506	H.R. 15951	92-1232	Public Works
92-368	Aug. 10	507	S. 2227	92-1201	House Administration
92-369	Aug. 10	508	H.R. 15418	92-1119	Appropriations
				92-1250	[Conference]
92-370	Aug. 10	525	H.R. 13435	92-944	Interior and Insular Affairs
				92-1234	[Conference]
92-371	Aug. 10	525	S. 3284 (H.R. 13434)	92-975	Interior and Insular Affairs
				92-1235	[Conference]
92-372	Aug. 10	526	H.R. 14108 (S. 3511)	92-977	Science and Astronautics
				92-1265	[Conference]
92-373	Aug. 10	528	S. 3463	92-1200	House Administration
92-374	Aug. 10	528	S. 2684 (H.R. 11300)	92-1217	Merchant Marine and Fisheries
92-375	Aug. 10	529	H.R. 12979	92-947	Judiciary
92-376	Aug. 10	529	H.R. 6745	92-773	Judiciary
92-377	Aug. 10	530	H.R. 5721	92-1074	Interior and Insular Affairs
92-378	Aug. 10	530	H.R. 1682	92-569	Interior and Insular Affairs
92-379	Aug. 10	531	H.R. 489	92-633	Interior and Insular Affairs
92-380	Aug. 10	531	H.R. 11350	92-599	Judiciary
				92-1233	[Conference]
92-381	Aug. 14	532	H.R. 15635	92-1196	Education and Labor
92-382	Aug. 14	539	S. 916 (H.R. 7060)	92-840	Post Office and Civil Service
92-383	Aug. 14	540	H.R. 15093	92-107	Appropriations
				92-1261	[Conference]
92-384	Aug. 14	553	S.2499	92-1269	Banking and Currency
92-385	Aug. 16	554	H.R. 15692	92-1186	Banking and Currency
				92-1332	[Conference]
92-386	Aug. 16	559	S.J. Res. 254	92-1285	House Administration
92-387	Aug. 16	559	H.R. 9936	92-437	Interstate and Foreign Commerce
92-388	Aug. 17	562	H.R. 1462	92-984	Interior and Insular Affairs
92-389	Aug. 17	563	H.R. 9545 (S. 2030)	92-850	Interior and Insular Affairs
92-390	Aug. 18	563	H.J. Res. 1278	92-1319	Appropriations
92-391	Aug. 19	563	S.J. Res. 260		
92-392	Aug. 19	564	H.R. 9092	92-339	Post Office and Civil Service
				92-1275	[Conference]
92-393	Aug. 20	576	H.R. 16254	92-1318	Appropriations
92-394	Aug. 20	577	S. 3645	92-1225	Foreign Affairs
92-395	Aug. 20	578	S. 484 (H.R. 7295)	92-1226	Interior and Insular Affairs
92-396	Aug. 20	578	H.R. 14106 (S. 3384)	92-1110	Interior and Insular Affairs
92-397	Aug. 22	579	S. 2854 (H.R. 12101)	92-1148	Judiciary
92-398	Aug. 22	580	H.R. 15097	92-1082	Appropriations
				92-1312	[Conference]
92-399	Aug. 22	591	H.R. 15690	92-1175	Appropriations
				92-1283	[Conference]

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Report No.	Committee reporting	House	Senate	
				Nixon: 1972
92-742	Judiciary	June 30, 1972	Apr. 11, July 28, 1972.	
92-980	Interior and Insular Affairs	Apr. 17, 1972	July 26, 1972	
92-566	Armed Services	July 17, 1972	Dec. 10, 1971; July 25, 1972.	Aug. 8.
92-977	Government Operations	Dec. 6, 1971	July 24, 1972	
		July 24, 1972	July 25, 1972	Aug. 9.
92-255	Rules and Administration	July 31, 1972	July 16, 1971	
92-921	Appropriations	June 13, Aug. 2, 1972.	June 28, Aug. 3, 1972.	
92-782	Interior and Insular Affairs	Apr. 17, July 31, 1972.	May 9, July 20, 1972.	
92-726	Interior and Insular Affairs	Apr. 17, July 31, 1972.	Apr. 4, Aug. 3, 1972.	
92-918	Labor and Public Welfare	Apr. 25, Aug. 2, 1972.	June 23, 26, Aug. 1, 1972.	
92-805	Rules and Administration	July 31, 1972	May 30, 1972	
92-722	Commerce	July 31, 1972	Mar. 30, 1972	
92-996	Judiciary	Apr. 17, 1972	July 31, 1972	
92-995	Judiciary	Feb. 7, 1972	July 31, 1972	
92-998	Interior and Insular Affairs	June 5, 1972	July 31, 1972	
92-645	Interior and Insular Affairs	Nov. 1, 1971; July 20, 1972.	Mar. 1, July 27, 1972.	
92-997	Interior and Insular Affairs	Nov. 15, 1971	Aug. 2, 1972	
92-765	Judiciary	Nov. 15, 1971; Aug. 1, 1972.	Apr. 28, July 27, 1972.	
92-1003	Judiciary	July 17, 1972	July 31, 1972	
92-862	Post Office and Civil Service	July 26, 1972	June 16, Aug. 1, 1972.	
92-820	Appropriations	May 23, Aug. 3, 1972.	June 14, Aug. 3, 1972.	
92-942	Banking, Housing and Urban Affairs.	Aug. 7, 1972	June 30, 1972	
92-1008	Banking, Housing and Urban Affairs.	June 29, Aug. 14, 1972.	Aug. 4, 11, 1972	Aug. 16.
		Aug. 3, 1972	July 20, 1972	
92-924	Labor and Public Welfare	Sept. 16, 1971; Aug. 1, 1972.	June 30, 1972	
92-946	Interior and Insular Affairs	Apr. 17, Aug. 8, 1972.	June 30, 1972	
92-767	Interior and Insular Affairs	Mar. 6, Aug. 8, 1972.	May 3, 1972	
92-1048	Appropriations	Aug. 15, 1972	Aug. 17, 1972	
		Aug. 18, 1972	Aug. 16, 18, 1972.	Aug. 19.
92-791	Post Office and Civil Service	July 28, 1971; Aug. 15, 1972.	June 15, Aug. 7, 1972.	
92-1047	Appropriations	Aug. 15, 1972	Aug. 16, 1972	Aug. 20.
92-851	Foreign Relations	Aug. 7, 1972	June 16, 1972	
92-52	Interior and Insular Affairs	Aug. 7, 1972	Apr. 5, 1971; Aug. 8, 1972.	
92-826	Interior and Insular Affairs	June 5, Aug. 8, 1972.	June 5, 19, 1972.	
92-929	Judiciary	Aug. 7, 1972	June 30, Aug. 9, 1972.	
92-865	Appropriations	May 24, Aug. 14, 1972.	June 16, Aug. 15, 1972.	
92-983	Appropriations	June 29, Aug. 9, 1972.	July 27, Aug. 2, 1972.	

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	1972				
92-400	Aug. 22	612	H.R. 6957	92-762 92-1276	Interior and Insular Affairs [Conference]
92-401	Aug. 22	616	H.R. 5065	92-257 92-1322	Interstate and Foreign Commerce [Conference]
92-402	Aug. 22	617	H.R. 13324	92-934	Merchant Marine and Fisheries
92-403	Aug. 22	619	S. 596	92-1301	Foreign Affairs
92-404	Aug. 25	619	S. 3159 (H.R. 13201)	92-1237	Interior and Insular Affairs
92-405	Aug. 25	621	H.R. 15586	92-1151 92-1310	Appropriations [Conference]
92-406	Aug. 25	632	S. 2166 (H.R. 9594)	92-1222	Interior and Insular Affairs
92-407	Aug. 28	632	S. J. Res. 182	92-1308	Foreign Affairs
92-408	Aug. 29	633	H.R. 10310	92-1093	Merchant Marine and Fisheries
92-409	Aug. 29	633	S. J. Res. 213		
92-410	Aug. 29	634	H.R. 15580	92-1180 92-1340	District of Columbia [Conference]
92-411	Aug. 29	643	S. 3824	92-1292	Interstate and Foreign Commerce.
92-412	Aug. 29	644	S. 3726 (H.R. 15989).	92-1260 92-1342	Banking and Currency [Conference]
92-413	Aug. 29	649	H.R. 5814	92-68	Judiciary
92-414	Aug. 29	650	H.R. 15474	92-1184	Interstate and Foreign Commerce
92-415	Aug. 29	652	H.R. 12392	92-1023	Judiciary
92-416	Aug. 29	653	H.R. 755	92-478	Merchant Marine and Fisheries
92-417	Aug. 29	654	H.R. 8549	92-268	Judiciary
92-418	Aug. 29	656	H.R. 11185	92-851	Ways and Means
92-419	Aug. 30	657	H.R. 12931 (S. 3462)	92-835 92-1129	Agriculture [Conference]
92-420	Sept. 16	677	H.R. 9323	92-583	Judiciary
92-421	Sept. 18	678	H.R. 13089	92-981 92-1334	Agriculture [Conference]
92-422	Sept. 18	678	H.J. Res. 55	92-1032	House Administration
92-423	Sept. 19	679	S. 3323 (H.R. 15081)	92-1108 92-1349	Interstate and Foreign Commerce [Conference]
92-424	Sept. 19	688	H.R. 12350 (S. 3010)	92-815 92-1246, 92-1367	Education and Labor [Conference]
92-425	Sept. 21	706	H.R. 10670 (S. 3905)	92-481	Armed Services
92-426	Sept. 21	713	H.R. 2	92-524 92-1350	Armed Services [Conference]
92-427	Sept. 21	719	S. 2969 (H.R. 12114)	92-1266	Interior and Insular Affairs
92-428	Sept. 21	721	H.R. 7375	92-1037	Judiciary
92-429	Sept. 23	722	H.J. Res. 1193		
92-430	Sept. 23	722	H.R. 9222	92-462	Judiciary
92-431	Sept. 26	723	H.R. 7701	92-638	Interior and Insular Affairs
92-432	Sept. 26	723	H.R. 13025	92-990	Merchant Marine and Fisheries

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Report No.	Committee reporting	House	Senate	
				Nixon: 1972
92–797	Interior and Insular Affairs	Jan. 26, Aug. 14, 1972.	May 23, Aug. 2, 1972.	
92–829	Commerce	June 21, 1971; Aug. 15, 1972.	June 6, Aug. 9, 1972.	
92–841	Commerce	Apr. 11, Aug. 14, 1972.	July 26, 1972	
92–591	Foreign Relations	Aug. 14, 1972	Feb. 16, 1972	
92–707	Interior and Insular Affairs	Aug. 14, 1972	Mar. 24, Aug. 17, 1972.	
92–923	Appropriations	June 20, 26, Aug. 10, 1972.	June 30, Aug. 10, 1972.	
92–1029	Interior and Insular Affairs	Aug. 14, 1972	Aug. 10, 17, 1972.	
92–760	Foreign Relations	Aug. 18, 1972	Apr. 28, 1972	
92–1075	Commerce	June 5, 1972	Aug. 18, 1972	
92–761	Judiciary	Aug. 18, 1972	Apr. 28, 1972	
92–994	District of Columbia	July 20, Aug. 18, 1972.	July 31, Aug. 15, 1972.	
		Aug. 15, 1972	July 21, Aug. 16, 1972.	
92–890	Banking, Housing and Urban Affairs.	Aug. 3, 18, 1972.	June 21, 22, July 31, Aug. 1, 15, 1972.	
92–981	Foreign Relations			
92–1056	Judiciary	Apr. 5, 1971	Aug. 18, 1972	
		Aug. 1, 18, 1972.	Aug. 9, 1972	
92–1066	Judiciary	May 1, 1972	Aug. 18, 1972	
92–1014	Commerce	Sept. 20, 1971; Aug. 18, 1972.	Aug. 8, 1972	
92–1079	Judiciary	June 21, 1971	Aug. 18, 1972	
92–1082	Finance	Feb. 29, Aug. 18, 1972.	Aug. 18, 1972	
92–734	Agriculture and Forestry	Feb. 23, July 27, 1972.	Apr. 19, 20, Aug. 17, 1972.	Aug. 30.
92–1071	Judiciary	Nov. 1, 1971	Sept. 5, 1972	
92–857	Agriculture and Forestry	May 3, Sept. 5, 1972.	June 15, Aug. 11, 1972.	
92–917	Rules and Administration	May 9, Sept. 6, 1972.	June 23, 1972	
92–733	Labor and Public Welfare	July 18, Aug. 18, 1972.	Apr. 7, Sept. 6, 1972.	Sept. 20.
92–1068	[Conference]			
92–792	Labor and Public Welfare	Feb. 16, 17, Sept. 5, 1972.	June 22, 23, 26, 28, 29, Aug. 11, Sept. 5, 1972.	
92–987, 92–1086	[Conference]			
92–1089	Armed Services	Oct. 21, 1971; Sept. 12, 1972.	Sept. 8, 1972	Sept. 21.
92–827	Armed Services	Nov. 2, 3, 1971; Sept. 7, 1972.	June 6, 7, Sept. 6, 1972.	
92–999	Interior and Insular Affairs	Sept. 7, 1972	Aug. 2, 1972	
92–1065	Judiciary	May 16, Sept. 12, 1972.	Aug. 18, 1972	
92–1180	Judiciary	Aug. 18, 1972	Sept. 21, 1972	
92–1074	Judiciary	Sept. 20, 1971; Sept. 12, 1972.	Sept. 5, 1972	
92–1110	Interior and Insular Affairs	Nov. 15, 1971	Sept. 14, 1971	
92–1108	Commerce	Apr. 17, 1972	Sept. 14, 1972	

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	1972				
92-433	Sept. 26	724	H.R. 14896	92-1170	Education and Labor
				92-1387	[Conference]
92-434	Sept. 26	731	H.R. 15577	92-1303	Foreign Affairs
92-435	Sept. 26	733	H.R. 10702	92-700	Interior and Insular Affairs
92-436	Sept. 26	734	H.R. 15495	92-1149	Armed Services
				92-1388	[Conference]
92-437	Sept. 29	740	H.R. 2589	92-870	Judiciary
92-438	Sept. 29	741	H.R. 9032	92-1077	Interior and Insular Affairs
92-439	Sept. 29	742	H.R. 6575	92-1075	Interior and Insular Affairs
92-440	Sept. 29	742	H.R. 14974	92-1124	Judiciary
92-441	Sept. 29	743	H.R. 2185	92-634	Interior and Insular Affairs
92-442	Sept. 29	743	S. 2478 (H.R. 10489)	92-1374	Interior and Insular Affairs
92-443	Sept. 29	744	H.R. 10436	92-1079	Interior and Insular Affairs
92-444	Sept. 29	744	H.R. 12207	92-810	Merchant Marine and Fisheries
92-445	Sept. 29	745	H.R. 7616	92-186	Judiciary
92-446	Sept. 29	746	H.J. Res. 1306		
92-447	Sept. 29	746	H.R. 9135	92-942	Judiciary
92-448	Sept. 30	746	H.J. Res. 1227 (S.J. Res. 241).	92-1324	Foreign Affairs
92-449	Sept. 30	748	S. 3442 (H.R. 14455).	92-1107	Interstate and Foreign Commerce
				92-1376	[Conference]
92-450	Sept. 30	754	H.J. Res. 1304		
92-451	Oct. 2	755	H.R. 13697	92-1271	Merchant Marine and Fisheries
92-452	Oct. 2	757	H.J. Res. 135		
92-453	Oct. 2	758	H.R. 7614	92-195	Judiciary
92-454	Oct. 2	760	S. 1031	92-1291	Post Office and Civil Service
92-455	Oct. 2	761	H.R. 10486	92-1278	Merchant Marine and Fisheries
92-456	Oct. 3	762	H.R. 14267	92-1081	Interior and Insular Affairs
92-457	Oct. 3	763	H.J. Res. 1232		
92-458	Oct. 3	763	H.R. 8215	92-1360	Interstate and Foreign Commerce
92-459	Oct. 3	764	H.R. 4634	92-969	Armed Services
92-460	Oct. 4†	765	H.R. 15927	92-1264	Interstate and Foreign Commerce
92-461	Oct. 6	768	H.R. 8694	92-1076	Interior and Insular Affairs
				92-1431	[Conference]
92-462	Oct. 6	769	H.R. 10858	92-1080	Interior and Insular Affairs
				92-1432	[Conference]
92-463	Oct. 6	770	H.R. 4383 (S. 3529)	92-1017	Government Operations
				92-1403	[Conference]
92-464	Oct. 6	776	H.J. Res. 807		
92-465	Oct. 6	777	S. 447 (H.R. 9018)	92-1383	Interior and Insular Affairs
92-466	Oct. 6	780	H.R. 14015	92-987	Agriculture
92-467	Oct. 6	781	H.R. 6797	92-151	Interior and Insular Affairs
				92-1433	[Conference]
92-468	Oct. 6	782	H.R. 7742	92-639	Interior and Insular Affairs
				92-1430	[Conference]
92-469	Oct. 6	782	H.R. 3808	92-517	Post Office and Civil Service
92-470	Oct. 6	783	H.R. 3337	92-135	Interior and Insular Affairs
				92-1434	[Conference]
92-471	Oct. 9	784	H.R. 9501	92-1102	Merchant Marine and Fisheries

†Passed over veto.

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92–1027	Agriculture and Forestry	June 29,	Aug. 16, 17,	
92–1120	[Conference]	Sept. 13, 1972.	Sept. 13, 1972.	
92–1112	Foreign Relations	Aug. 14, 1972	Sept. 14, 1972	
92–1111	Interior and Insular Affairs	Dec. 6, 1971	Sept. 14, 1972	
92–962	Armed Services	June 26, 27, Sept. 13, 1972.	July 24–28, 31, Aug. 1, 2, Sept. 15, 1972.	
92–1144	Judiciary	Mar. 6, 1972	Sept. 19, 1972	
92–1128	Interior and Insular Affairs	June 5, 1972	Sept. 21, 1972	
92–1164	Interior and Insular Affairs	June 5, 1972	Sept. 20, 1972	
92–1146	Judiciary	June 19, 1972	Sept. 19, 1972	
92–1129	Interior and Insular Affairs	Nov. 15, 1971	Sept. 19, 1972	
92–1000	Interior and Insular Affairs	Sept. 19, 1972	July 31, 1972	
92–1130	Interior and Insular Affairs	June 5, 1972	Sept. 19, 1972	
92–1031	Commerce	Feb. 7, Sept. 20, 1972.	Aug. 11, 1972	
92–1166	Judiciary	May 17, 1972	Sept. 20, 1972	
		Sept. 27, 1972	Sept. 27, 1972	
92–1178	Judiciary	Apr. 17, 1972	Sept. 21, 1972	
92–979	Foreign Relations	Aug. 18, Sept. 25, 1972.	Aug. 11, 14–16, Sept. 6, 7, 13, 14, 1972.	Sept. 30.
92–825	Labor and Public Welfare	July 18,	June 7, July 26,	
92–1087	[Conference]	Sept. 12, 1972.	Sept. 18, 1972.	
92–1226	Judiciary	Sept. 21, 1972	Sept. 26, 1972	
92–1186	Commerce	Aug. 14, 1972	Sept. 21, 1972	
92–1179	Judiciary	Aug. 18, 1972	Sept. 21, 1972	
92–1165	Judiciary	May 17, 1971	Sept. 20, 1972	
92–560	Post Office and Civil Service	Sept. 19, 1972	Dec. 9, 1971	
92–1185	Commerce	Aug. 14, 1972	Sept. 21, 1972	
92–1126	Interior and Insular Affairs	June 5, Sept. 25, 1972.	Sept. 18, 1972	
92–1181	Judiciary	June 30, 1972	Sept. 21, 1972	
92–1167	Judiciary	Aug. 18, 1972	Sept. 20, 1972	Oct. 4.
92–1196	Armed Services	Apr. 17, 1972	Sept. 25, 1972	
92–1127	Labor and Public Welfare	Aug. 9, Sept. 20, Oct. 4, 1972.	Sept. 19, Oct. 4, 1972.	Oct. 4.
92–976	Interior and Insular Affairs	June 5, Sept. 28, 1972.	July 24, Sept. 22, 1972.	
92–973	Interior and Insular Affiars	June 5, Sept. 28, 1972.	July 21, Sept. 22, 1972.	
92–1098	Government Operations	May 9, Sept. 20, 1972.	Sept. 12, 19, 1972.	
92–1190	Judiciary	July 27, 1972	Sept. 22, 1972	
92–332	Interior and Insular Affairs	Sept. 19, 1972	Aug. 2, 1971; Sept. 26, 1972.	
92–1194	Agriculture and Forestry	May 3, 1972	Sept. 25, 1972	
92–752	Interior and Insular Affairs	May 3, 1971; Sept. 28, 1972.	Apr. 19, Sept. 22, 1972.	
92–751	Interior and Insular Affairs	Nov. 15, 1971; Sept. 28, 1972.	Apr. 19, Sept. 22, 1972.	
92–860	Post Office and Civil Service	Oct. 4, 1971; Sept. 26, 1972.	June 16, 1972	
92–975	Interior and Insular Affairs	Nov. 15, 1971; Sept. 28, 1972.	July 24, Sept. 22, 1972.	
92–1201	Commerce	June 5, 1972	Sept. 28, 1972	

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	1972				
92-472	Oct. 9	788	S. 345 (H.R. 2327)	92-1368	Interior and Insular Affairs
92-473	Oct. 9	789	H.R. 15376	92-1251	Education and Labor
92-474	Oct. 9	790	H.R. 10857	92-1382	Interior and Insular Affairs
92-475	Oct. 9	791	S. 3129 (H.R. 3986)	92-1448	Interior and Insular Affairs
92-476	Oct. 9	792	S. 166 (H.R. 1552)	92-764	Interior and Insular Affairs
				92-1435	[Conference]
92-477	Oct. 9	793	H.R. 14915	92-1162	Armed Services
92-478	Oct. 9	793	S. 2441 (H.R. 11369)	92-1426	Interior and Insular Affairs
92-479	Oct. 9	794	H.R. 14891	92-1272	Merchant Marine and Fisheries
92-480	Oct. 9	795	S. 722 (H.R. 4865)	92-1398	Interior and Insular Affairs
92-481	Oct. 9	795	H.R. 14537	92-1159	Armed Services
92-482	Oct. 12	796	H.R. 14909	92-1160	Armed Services
92-483	Oct. 12	796	S. 1475 (H.R. 6618)	92-1220	Interior and Insular Affairs
92-484	Oct. 13	797	H.R. 10243	92-469	Science and Astronautics
				92-1436	[Conference]
92-485	Oct. 13	803	H.R. 13825	92-1267	Judiciary
92-486	Oct. 13	803	H.J. Res. 1263		
92-487	Oct. 13	804	H.R. 9198	92-1213	Interior and Insular Affairs
92-488	Oct. 13	806	H.R. 6318	92-1370	Interior and Insular Affairs
92-489	Oct. 13	807	H.R. 7378	92-967	Judiciary
				92-1457	[Conference]
92-490	Oct. 13	808	H.J. Res. 1211	92-1314	Foreign Affairs
92-491	Oct. 13	809	H.R. 2895	92-1004	District of Columbia
92-492	Oct. 13	810	H.R. 3817	92-534	Armed Services
92-493	Oct. 13	811	H.R. 5838 (S. 666)	92-1421	Interior and Insular Affairs
92-494	Oct. 14	811	H.J. Res. 1257	92-1309	Foreign Affairs
92-495	Oct. 14	812	H.R. 13533	92-906	District of Columbia
92-496	Oct. 14	813	H.R. 12652	92-946	Judiciary
				92-1444	[Conference]
92-497	Oct. 17	814	H.R. 11948	92-886	Foreign Affairs
92-498	Oct. 18	814	H.R. 9676	92-939	Agriculture
92-499	Oct. 18	815	S. 2700	92-1521	Foreign Affairs
92-500	Oct. 18†	816	S. 2770 (H.R. 11896)	92-911	Public Works
				92-1465	[Conference]
92-501	Oct. 18	904	S. 1497	92-1427	Interior and Insular Affairs
92-502	Oct. 18	905	H.R. 14731	92-1109	Merchant Marine and Fisheries
92-503	Oct. 18	906	H.J. Res. 1301	92-1409	Banking and Currency
92-504	Oct. 18	907	H.R. 16870 (S. 4037)	92-1474	Merchant Marine and Fisheries
92-505	Oct. 18	907	S.J. Res 199		
92-506	Oct. 19	907	S.J. Res. 265		
92-507	Oct. 19	909	H.R. 9756	92-688	Merchant Marine and Fisheries
92-508	Oct. 19	917	S.J. Res. 236		
92-509	Oct. 19	917	S.J. Res. 251		

†Passed over veto.

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Report No.	Committee reporting	House	Senate	
				Nixon: 1972
92–539	Interior and Insular Affairs	Sept. 19, 1972	Dec. 6, 1971; Sept. 29, 1972.	
92–1131	Labor and Public Welfare	Aug. 7, Sept. 27, 1972.	Sept. 19, 1972	
92–1245	Interior and Insular Affairs	Sept. 19, 1972	Oct. 2, 1972	
92–702	Interior and Insular Affairs	Oct. 2, 1972	Mar. 22, 1972	
92–80	Interior and Insular Affairs	Feb. 7, Sept. 28, 1972.	May 3, 1971; Oct. 2, 1972.	
92–1234	Armed Services	July 17, 1972	Sept. 30, 1972	
92–948	Interior and Insular Affairs	Oct. 2, 1972	July 18, 1972	
92–1187	Commerce	Aug. 14, Sept. 28, 1972.	Sept. 21, 1972	
92–822	Interior and Insular Affairs	Oct. 2, 1972	June 8, 1972	
92–1233	Armed Services	July 17, 1972	Sept. 30, 1972	
92–1235	Armed Services	July 17, Oct. 3, 1972.	Sept 30, 1972	
92–533	Interior and Insular Affairs	Aug. 14, Oct. 4, 1972.	Dec. 6, 1971; Oct. 3, 1972.	
92–1123	Rules and Administration	Feb. 8, Oct. 4, 1972.	Sept. 14, 22, 1972.	
92–1253	Interior and Insular Affairs	Aug. 14, 1972	Oct. 9, 1972	
92–1184	Judiciary	Aug. 18, Oct. 4, 1972.	Sept. 21, 1972	
92–1244	Interior and Insular Affairs	Aug. 7, 1972	Oct. 4, 1972	
92–1257	Interior and Insular Affairs	Sept. 19, 1972	Oct. 4, 1972	
92–930	Judiciary	May 15, Oct. 4, 1972.	June 30, Sept. 29, 1972.	
92–1116	Foreign Relations	Aug. 14, Oct. 4, 1972.	Sept. 14, 1972	
92–1237	District of Columbia	Apr. 24, 1972	Sept. 30, 1972	
92–1223	Armed Services	Nov. 1, 1971; Oct. 4, 1972.	Sept. 27, 1972	
92–1252	Interior and Insular Affairs	Oct. 2, 1972	Oct. 4, 1972	
92–1113	Foreign Relations	Aug. 14, Oct. 4, 1972.	Sept. 14, 1972	
92–1254	District of Columbia	Mar. 13, 1972	Oct. 4, 1972	
92–1006	Judiciary	May 1, Oct. 4, 1972.	Aug. 4, Sept 26, 1972.	
92–1114	Foreign Relations	Mar. 20, Oct. 4, 1972.	Sept. 14, 1972	
92–1220	Government Operations	May 1, Oct 5, 1972.	Sept. 27, 1972	
92–687	Foreign Relations	Oct. 11, 1972	Mar. 17, 1972	
92–414	Public Works	Mar. 27–29,	Nov. 2, 1971;	Oct. 17.
92–1236	[Conference]	Oct. 4, 18, 1972.	Oct. 4, 18, 1972.	
92–943	Interior and Insular Affairs	Oct. 2, 1972	June 30, Oct. 5, 1972.	
92–1157	Commerce	June 5, 1972	Oct. 6, 1972	
92–1261	Banking, Housing and Urban Affairs.	Oct. 2, 14, 1972	Oct. 6, 1972	
92–1276	Commerce	Oct. 5, 1972	Oct. 10, 1972	
92–989	Judiciary	Oct. 12, 1972	July 31, 1972	
92–1247	Labor and Public Welfare	Oct. 11, 1972	Oct. 2, 1972	
92–1137	Commerce	Feb. 7, Oct. 4, 1972.	Sept. 19, 1972	
92–1176	Judiciary	Oct. 12, 1972	Sept. 21, 1972	
92–1189	Judiciary	Oct. 4, 1972	Sept. 22, Oct. 13, 1972.	

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92–510	Oct. 19	918	H.R. 10655 (S. 667)	92–1422	Interior and Insular Affairs
92–511	Oct. 20	918	H.J. Res. 984	92–888	Foreign Affairs
				92–1527	[Conference]
92–512	Oct. 20	919	H.R. 14370	92–1018	Ways and Means
				92–1450	[Conference]
92–513	Oct. 20	947	S. 976 (H.R. 11627)	92–1033	Interstate and Foreign Commerce
				92–1476	[Conference]
92–514	Oct. 20	964	S. 520 (H.R. 16012)	92–1380	Interior and Insular Affairs
92–515	Oct. 21	970	H.R. 11032	92–1005	District of Columbia
92–516	Oct. 21	973	H.R. 10729	92–511	Agriculture
				92–1540	[Conference]
92–517	Oct. 21	999	S. 4062 (H.R. 16724)	92–1502	District of Columbia
92–518	Oct. 21	1005	H.R. 15965	92–1501	District of Columbia
92–519	Oct. 21	1016	S. 4059		
92–520	Oct. 21	1019	S. 3943 (H.R. 16645)	92–1410	Public Works
92–521	Oct. 21	1026	S. 493 (H.R. 6446)	92–1525	Interior and Insular Affairs
92–522	Oct. 21	1027	H.R. 10420 (S. 2871)	92–707	Merchant Marine and Fisheries
				92–1488	[Conference]
92–523	Oct. 21	1046	H.R. 16987	92–1569	Merchant Marine and Fisheries
92–524	Oct. 21	1046	S. 1973 (H.R. 256)	92–1538	Interior and Insular Affairs
92–525	Oct. 21	1047	H.R. 8756 (S. 1927)	92–1425	Interior and Insular Affairs
92–526	Oct. 21	1048	S. 3671	92–1418	Judiciary
92–527	Oct. 21	1049	H.R. 13067	92–1541	Interior and Insular Affairs
92–528	Oct. 21	1050	S. 1198 (H.R. 5932)	92–1548	Interior and Insular Affairs
92–529	Oct. 21	1050	H.R. 11563	92–1289	Post Office and Civil Service
92–530	Oct. 21	1051	S. 3483	92–1533	Judiciary
92–531	Oct. 23	1051	H.R. 16883		
92–532	Oct. 23	1052	H.R. 9727	92–361	Merchant Marine and Fisheries
				92–1546	[Conference]
92–533	Oct. 23	1063	H.R. 15597	92–1420	Interior and Insular Affairs
92–534	Oct. 23	1063	H.R. 10384	92–706	Merchant Marine and Fisheries
92–535	Oct. 23	1064	H.R. 12186	92–817	Merchant Marine and Fisheries
92–536	Oct. 23	1066	S. 2411 (H.R. 9859)	92–1405	Interior and Insular Affairs
92–537	Oct. 23	1069	S. 141 (H.R. 1553)	92–1219	Interior and Insular Affairs
				92–1588	[Conference]
92–538	Oct. 23	1070	H.R. 13694 (S. 3307)	92–1127	Judiciary
92–539	Oct. 24	1070	H.R. 15883	92–1268	Judiciary
				92–1485	[Conference]
92–540	Oct. 24	1074	H.R. 12828 (S. 2161)	92–887	Veterans' Affairs
92–541	Oct. 24	1100	H. J. Res. 748 (S. 2219).	92–322	Veterans' Affairs
92–542	Oct. 25	1108	H.R. 5066	92–126	Interstate and Foreign Commerce
92–543	Oct. 25	1108	H.R. 11773	92–903	District of Columbia

Senate		Dates of consideration and passage: Congressional Record, Vol. 117 (1971); Vol. 118 (1972)		Presidential statement: Public Papers of the Presidents
Report No.	Committee reporting	House	Senate	
				Nixon: 1972
92–1248	Interior and Insular Affairs	Oct. 2, 1972	Oct. 5, 1972	
92–1115	Foreign Relations	Mar. 20, Oct. 10, 1972.	Sept. 14, Oct. 4, 1972.	
92–1050	Finance	June 21, 22, Oct. 12, 1972.	Aug. 18, Sept. 5–8, 11, 12, Oct. 13, 1972.	Oct. 20.
92–1229	[Conference]			
92–413	Commerce	May 22, Oct. 4, 1972.	Nov. 3, 1971; Oct. 6, 1972.	Oct. 21.
92–947	Interior and Insular Affairs	Sept. 27, 1972	July 19, Oct. 5, 1972.	
92–1238	District of Columbia	Apr. 24, Oct. 14, 1972.	Sept. 30, 1972	
92–838	Agriculture and Forestry	Nov. 8, 9, 1971; Oct. 12, 1972.	Sept. 26, Oct. 5, 1972.	
92–970	Commerce			
92–1270	District of Columbia	Oct. 11, 14, 1972.	Oct. 14, 1972	
92–1295	District of Columbia	Oct. 11, 1972	Oct. 14, 1972	
92–1262	District of Columbia	Oct. 14, 1972	Oct. 9, 1972	
92–1145	Public Works	Sept. 26, Oct. 3, 1972.	Sept. 19, Oct. 14, 1972.	
92–138	Interior and Insular Affairs	Oct. 10, 1972	June 4, 1971; Oct. 11, 1972.	Oct. 28.
92–863	Commerce	Dec. 6, 1971; Mar. 9, Oct. 10, 1972.	July 25, 26, Oct. 11, 1972.	
		Oct. 12, 1972	Oct. 13, 1972	
92–710	Interior and Insular Affairs	Oct. 10, 1972	Mar. 28, Oct. 12, 1972.	
92–1282	Interior and Insular Affairs	Oct. 10, 1972	Oct. 12, 1972	
92–1076	Judiciary	Oct. 14, 1972	Aug. 18, Oct. 16, 1972.	
		Oct. 10, 1972	Oct. 12, 1972	
92–833	Interior and Insular Affairs	Oct. 12, 1972	June 7, Oct. 14, 1972.	
92–1301	Post Office and Civil Service	Sept. 19, 1972	Oct. 14, 1972	
92–1143	Judiciary	Oct. 14, 1972	Sept. 19, Oct. 14, 1972.	
		Oct. 11, 1972	Oct. 14, 1972	
92–451	Commerce	Sept. 8, 9, 1971; Oct. 13, 1972.	Nov. 24, 1971; Oct. 13, 1972.	
		Oct. 10, 1972	Oct. 14, 1972	
92–1291	Commerce	Dec. 6, 1971	Oct. 14, 1972	
92–1159	Commerce	Feb. 7, Oct. 13, 1972.	Oct. 13, 1972	
92–972	Interior and Insular Affairs	Oct. 10, 1972	July 24, Oct. 12, 1972.	
92–711	Interior and Insular Affairs	Aug. 14, Oct. 13, 1972.	Mar. 24, Oct. 14, 1972.	
92–971	Judiciary	Aug. 8, Sept. 28, 1972.	Aug. 10, Oct. 11, 1972.	
92–1105	Judiciary	Aug. 7, Oct. 11, 1972.	Sept. 18, Oct. 2, 1972.	
92–988	Veterans' Affairs	Mar. 6, Oct. 11, 1972.	Aug. 3, Oct. 13, 1972.	Oct. 24.
92–757	Veterans' Affairs	July 19, 1971; Oct. 11, 1972.	Apr. 27, Oct. 13, 1972.	
92–831	Commerce	Apr. 28, 1971; Oct. 13, 1972.	June 16, 19, Oct. 14, 1972.	
92–1239	District of Columbia	Mar. 13, Oct. 14, 1972.	Sept. 30, Oct. 12, 16, 1972.	

Public Law		86 Stat.	Bill No.	House	
No.	Date approved			Report No.	Committee reporting
	1972				
92-544	Oct. 25	1109	H.R. 14989	92-1065	Appropriations
				92-1567	[Conference]
92-545	Oct. 25	1135	H.R. 15641	92-1179	Armed Services
				92-1545	[Conference]
92-546	Oct. 25	1155	H.R. 15763	92-1362	Government Operations
92-547	Oct. 25	1156	H.R. 16754	92-1424	Appropriations
				92-1578	[Conference]
92-548	Oct. 25	1159	H.R. 15375 (S. 3474).	92-1198	Interstate and Foreign Commerce.
92-549	Oct. 25	1161	H.R. 15461	92-1305	Foreign Affairs
92-550	Oct. 25	1163	S. 3240 (H.R. 15054).	92-1472	Interstate and Foreign Commerce.
92-551	Oct. 25	1164	S. J. Res. 221	92-1592	Interior and Insular Affairs
92-552	Oct. 25	1165	S. 3822	92-1102	Public Works
92-553	Oct. 25	1167	H.R. 15735	92-1480	Merchant Marine and Fisheries
92-554	Oct. 25	1167	H.R. 16675	92-1469	Interstate and Foreign Commerce
92-555	Oct. 25	1168	S. 1462 (H.R. 6067)	92-1369	Interior and Insular Affairs
92-556	Oct. 25	1170	S. 2741 (H.R. 14740).	92-1471	Interstate and Foreign Commerce
92-557	Oct. 25	1171	S. 3230 (H.R. 10394)	92-1078	Interior and Insular Affairs
				92-1608	[Conference]
92-558	Oct. 25	1172	H.R. 11091	92-1492	Merchant Marine and Fisheries
92-559	Oct. 25	1173	S. 3310	92-1557	Armed Services
92-560	Oct. 25	1174	S. 1928	92-1579	Interior and Insular Affairs
92-561	Oct. 25	1175	H.R. 14542	92-1214	Armed Services
92-562	Oct. 25	1176	S. 216	92-1559	Judiciary
92-563	Oct. 25	1177	H.R. 15475 (S. 3659)	92-1185	Interstate and Foreign Commerce
				92-1604	[Conference]
92-564	Oct. 25	1178	S.J. Res. 204	92-1417	House Administration
92-565	Oct. 25	1179	H.J. Res. 733	92-1394	Judiciary
92-566	Oct. 25	1181	S.J. Res. 247	92-1449	Judiciary
92-567	Oct. 25	1181	H.R. 15280	92-1467	Merchant Marine and Fisheries
92-568	Oct. 26	1181	H.R. 9554	92-1468	Interior and Insular Affairs
92-569	Oct. 26	1182	H.R. 7117	92-426	Merchant Marine and Fisheries
				92-1523	[Conference]
92-570	Oct. 26	1184	H.R. 16593	92-1389	Appropriations
				92-1566	[Conference]
92-571	Oct. 26	1204	H.J. Res. 1331		
				92-1611	[Conference]
92-572	Oct. 27	1206	H.R. 13158	92-1585	Public Works
92-573	Oct. 27	1207	S. 3419 (H.R. 15003)	92-1153	Interstate and Foreign Commerce
				92-1593	[Conference]
92-574	Oct. 27	1234	H.R. 11021 (S. 3342)	92-842	Interstate and Foreign Commerce
92-575	Oct. 27	1250	H.R. 13396	92-1539	Interior and Insular Affairs
92-576	Oct. 27	1251	S. 2318 (H.R. 12006)	92-1441	Education and Labor
92-577	Oct. 27	1265	S. 3959 (H.R. 16554)	92-1524	Interior and Insular Affairs

Senate		Dates of consideration and passage: Congressional Record, Vol. 117 (1971); Vol. 118 (1972)		Presidential statement: Public Papers of the Presidents
Report No.	Committee reporting	House	Senate	
				Nixon: 1972
92–821	Appropriations	May 17, 18, Oct. 12, 1972.	June 15, Oct. 13, 1972.	
92–1010	Armed Services	July 20, Oct. 12, 1972.	Aug. 4, Oct. 12, 1972.	
		Oct. 5, 1972	Oct. 14, 1972	
92–1249	Appropriations	Sept. 25, Oct. 12, 1972.	Oct. 3, 12, 1972.	
92–985	Commerce	Aug. 15, Oct. 13, 1972.	Oct. 6, 14, 1972.	
92–1285	Foreign Relations	Oct. 5, 13, 1972.	Oct. 12, 1972	Oct. 30.
92–1026	Commerce	Oct. 11, 1972	Aug. 10, Oct. 16, 1972.	
92–916	Rules and Administration	Oct. 13, 1972	June 23, 1972	
92–1102	Public Works	Oct. 18, 1972	Sept. 12, 1972	
		Oct. 5, 1972	Oct. 13, 1972	
		Oct. 11, 1972	Oct. 13, 14, 1972.	Oct. 28.
92–144	Interior and Insular Affairs	Oct. 13, 1972	June 9, 1971; Oct. 14, 1972.	
92–1083	Commerce	Oct. 13, 1972	Aug. 18, 1972	
92–799	Interior and Insular Affairs	June 5, 1972	May 24, Oct. 14, 1972.	
92–1305	Finance	Oct. 5, 1972	Oct. 16, 1972	
92–1228	Armed Services	Oct. 13, 1972	Oct. 3, 1972	
92–1279	Interior and Insular Affairs	Oct. 13, 1972	Oct. 9, 1972	
92–1227	Armed Services	July 25, Oct. 12, 1972.	Oct. 11, 1972	
92–575	Interior and Insular Affairs	Oct. 12, 1972	Dec. 11, 1971; Oct. 13, 1972.	
92–1215	Labor and Public Welfare	Aug. 1, Oct. 17, 1972.	Sept. 26, 27, Oct. 14, 1972.	Oct. 30.
92–915	Rules and Administration	Sept. 20, 1972	June 23, Oct. 13, 1972.	
92–1304	Judiciary	Sept. 19, 1972	Oct. 14, 1972	
92–934	Judiciary	Oct. 11, 1972	June 30, 1972	
		Oct. 11, 1972	Oct. 13, 1972	Oct. 28.
		Oct. 10, 1972	Oct. 12, 1972	
92–584	Commerce	Aug. 2, 1971;	May 25,	
92–769	Foreign Relations	Oct. 11, 1972.	Oct. 11, 1972.	
92–1243	Appropriations	Sept. 13, 14, Oct. 12, 1972.	Sept. 30, Oct. 2, 13, 1972.	
		Oct. 14, 17, 1972.	Oct. 14, 16, 17, 1972.	
		Oct. 13, 1972	Oct. 14, 1972	
92–835	Labor and Public Welfare	Sept. 20, Oct. 13, 1972.	June 21, Oct. 14, 1972.	
92–1160	Public Works	Feb. 29, Oct. 18, 1972.	Oct. 12, 13, 18, 1972.	
		Oct. 13, 14, 1972.	Oct. 14, 1972	
92–1125	Labor and Public Welfare	Oct. 14, 1972	Sept. 14, Oct. 14, 1972.	Oct. 30.
92–1240	Interior and Insular Affairs	Oct. 14, 17, 1972.	Oct. 2, 14, 1972.	Oct. 28.

Public Law		86 Stat.	Bill No.	House	
No.	Date approved			Report No.	Committee reporting
	1972				
92–578	Oct. 27	1266	H.R. 10751	92–1445	Interior and Insular Affairs
92–579	Oct. 27	1275	S. 1524		
92–580	Oct. 27	1276	H.R. 1467	92–782	Ways and Means
				92–1607	[Conference]
92–581	Oct. 27	1277	H.R. 16925	92–1507	Armed Services
92–582	Oct. 27	1278	H.R. 12807	92–1188	Government Operations
92–583	Oct. 27	1280	S. 3507 (H.R. 14146)	92–1049	Merchant Marine and Fisheries
				92–1544	[Conference]
92–584	Oct. 27	1289	H.R. 8273	92–1386	Judiciary
92–585	Oct. 27	1290	S. 3858 (H.R. 16755)	92–1547	Interstate and Foreign Commerce
92–586	Oct. 27	1295	H.R. 7093	92–963	Interior and Insular Affairs
92–587	Oct. 27	1296	H.R. 4678	92–603	Ways and Means
92–588	Oct. 27	1298	H.J. Res. 912	92–1395	Judiciary
92–589	Oct. 27	1299	H.R. 16444 (S. 3174).	92–1391	Interior and Insular Affairs
92–590	Oct. 27	1303	S. 3524 (H.R. 14384).	92–1489	Merchant Marine and Fisheries
92–591	Oct. 27	1304	S. 3843	92–1580	Interstate and Foreign Commerce
92–592	Oct. 27	1308	S. 1852 (H.R. 1121)	92–1392	Interior and Insular Affairs
				92–1589	[Conference]
92–593	Oct. 27	1311	S. 27 (H.R. 15716)	92–1446	Interior and Insular Affairs
92–594	Oct. 27	1313	S. 3545 (H.R. 14385)	92–1487	Merchant Marine and Fisheries
92–595	Oct. 27	1314	S. 3337 (H.R. 16732)	92–1428	Banking and Currency
92–596	Oct. 27	1317	H.R. 14911	92–1161	Armed Services
92–597	Oct. 27	1319	S. 2454 (H.R. 16563)	92–1460	Education and Labor
92–598	Oct. 27	1321	S. 4022	92–1584	Foreign Affairs
92–599	Oct. 27	1324	H.R. 16810	92–1456	Ways and Means
				92–1606, 92–1614	[Conference]
92–600	Oct. 27	1326	H.R. 17038	92–1587	Public Works
92–601	Oct. 27	1327	S. 3358 (H.R. 16793)	92–1506	Merchant Marine and Fisheries
92–602	Oct. 27	1328	H.R. 16804	92–1586	Public Works
92–603	Oct. 30	1329	H.R. 1	92–231	Ways and Means
				92–1605	[Conference]
92–604	Oct. 31	1493	H.R. 16074	92–1490	Merchant Marine and Fisheries
92–605	Oct. 31	1493	S. 1971		
92–606	Oct. 31	1494	H.R. 14628	92–1479	Ways and Means
92–607	Oct. 31	1498	H.R. 17034	92–1555	Appropriations
				92–1601	[Conference]

Senate		Dates of consideration and passage: Congressional Record, Vol. 117 (1971); Vol. 118 (1972)		Presidential statement: Public Papers of the Presidents
Report No.	Committee reporting	House	Senate	
				Nixon: 1972
		Oct. 14, 17, 1972.	Oct. 16, 18, 1972.	Oct. 21, 30.
92–1274	District of Columbia	Oct. 17, 1972	Oct. 9, 18, 1972.	
92–1290	Finance	Feb. 29, Oct. 17, 1972.	Oct. 13, 16, 1972.	
92–1306	[Conference]			
92–1307	Armed Services	Oct. 11, 17, 1972.	Oct. 17, 1972	
92–1219	Government Operations	July 26, 1972	Oct. 14, 1972	
92–753	Commerce	Aug. 2, Oct. 12, 1972.	Apr. 25, Oct. 12, 1972.	Oct. 28.
		Oct. 13, 1972	Oct. 14, 1972	Oct. 30.
92–1062	Labor and Public Welfare	Oct. 13, 17, 1972.	Aug. 18, Oct. 17, 1972.	
92–969	Interior and Insular Affairs	Apr. 17, 1972	Oct. 14, 1972	
92–1300	Finance	Dec. 7, 1971; Oct. 17, 18, 1972.	Oct. 14, 18, 1972.	
92–1299	Judiciary	Sept. 19, 1972	Oct. 14, 1972	
92–1271	Interior and Insular Affairs	Oct. 11, 1972	Oct. 12, 1972	Oct. 28.
92–1030	Commerce	Oct. 11, 1972	Aug. 11, Oct. 14, 1972.	
92–1154	Commerce	Oct. 13, 1972	Oct. 6, 1972	Oct. 30.
92–345	Interior and Insular Affairs	Sept. 26, Oct. 13, 1972.	Aug. 6, 1971; Oct. 14, 1972.	Oct. 28.
92–156	Interior and Insular Affairs	Oct. 13, 14, 1972.	June 21, 1971; Oct. 14, 1972.	
92–950	Commerce	Oct. 14, 1972	July 18, 1972	
92–1007	Banking, Housing and Urban Affairs.	Oct. 11, 1972	Sept. 13, Oct. 12, 1972.	Oct. 30.
92–1294	Armed Services	July 25, Oct. 14, 1972.	Oct. 14, 1972	
92–796	Interior and Insular Affairs	Oct. 11, 1972	May 23, Oct. 12, 1972.	Oct. 28.
92–1251	Foreign Relations	Oct. 13, 1972	Oct. 5, 1972	
92–1292	Finance	Oct. 10, 17, 18, 1972.	Oct. 13, 17, 18, 1972.	
		Oct. 13, 1972	Oct. 14, 1972	
92–1217	Commerce	Oct. 11, 1972	Sept. 28, Oct. 14, 1972.	
		Oct. 13, 1972	Oct. 14, 1972	
92–1230	Finance	June 21, 22, 1971; Oct. 17, 1972.	Mar. 28, Sept. 27–30, Oct. 2–6, 17, 1972.	Oct. 30.
		Oct. 11, 1972	Oct. 14, 1972	
92–1302	Commerce	Oct. 18, 1972	Oct. 16, 1972	
		Oct. 17, 1972	Oct. 18, 1972	
92–1297	Appropriations	Oct. 11, 14, 1972.	Oct. 12, 14, 1972.	

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EXPLANATION

General.

The following tables are designed to serve as a guide to prior laws and other Federal instruments which are patently amended, repealed, referred to, or otherwise cited by the textual provisions of the public laws and proclamations affecting tariff schedules contained in this volume. These tables were initiated as a separate pamphlet to accompany Volume 70 of the United States Statutes at Large. Beginning with Volume 71, they are being published as an integral part of each volume.

From time to time the tables will be cumulated and made separately available as a convenience to users. Tables 1–9 of Volumes 70–84 covering the years 1956 through 1970 have been cumulated and published as a separate volume. Coverage and arrangement of the tables are subject to change with a view to improved usefulness.

The arrangement of the tables is outlined above. There are two basic groups: (1) Tables 1–10 cover amendments, repeals, and other actions directly affecting prior laws and other Federal instruments; and (2) Tables 11–19 cover all citations and other references to prior laws and other Federal instruments.

Details of Arrangement.

Tables 1–9 are limited to cases in which prior laws and other Federal instruments are expressly affected.

Table 10 is a catch-all table designed as a finding aid to relationships which are expressed in general terms. Listed in this table are all public laws in this volume which contain such provisions as "notwithstanding any other provision of law," and "all laws in conflict with this law are hereby repealed."

Tables 11–19 cover all other cases in which prior laws or other Federal instruments are mentioned in the text of the public laws in this volume, without regard to the purpose underlying such reference.

In each of the basic groups the first and largest table is entitled "General Legislation," and contains listings of all laws affected which have not been codified in the Revised Statutes, the Internal Revenue Codes, the Canal Zone Code, or in those titles of the United States Code or District of Columbia Code which have been enacted into law. Succeeding tables cover these codified provisions, as well as other instruments such as reorganization plans, veterans regulations, Executive orders and proclamations, and treaties and other agreements. The numbering of the tables in the two groups is parallel. Thus Table 2 and Table 12 both relate to the Revised Statutes; Table 7 and Table 17 both relate to veterans regulations.

Table 1 is arranged chronologically. In preparing this 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 Table 1 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 affecting tariff schedules 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.

All tables are arranged chronologically, except where the existence of a system of codification makes possible a sequential arrangement from the lowest to the highest title or section number. In Tables 1–10 there is a "Comment" column, in which the nature of the affecting action is described. These are editorial comments, intended to reflect what is patent in the laws reviewed, and every effort has been made to avoid interpretations.

In Tables 11–19 the "Comment" column is unnecessary, since in each instance the comment would be "Cited" or "Referred to." In these tables, moreover, the number of columns has been held to a minimum in the interest of brevity. Thus Table 11 contains only three columns listing the data and number of the law referred to, and the page number in this volume at which the reference may be found.

Caveat.

All the tables are editorially compiled and presented as reference guides only. Hence they have 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.

The Office of the Federal Register invites criticisms or suggestions with a view to improving the tables wherever possible.

LAWS AFFECTED IN VOLUME 86

TABLES OF PRIOR LAWS AND OTHER FEDERAL INSTRUMENTS AMENDED, REPEALED, OR OTHERWISE AFFECTED

TABLE 1.—*General Legislation*

Note: All cross references in this table are to entries in Table 1 unless otherwise indicated.

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Chapter	Section	86 Stat.	Public Law	Section	Comment
1862							
July 2	12:503	130	----------	350	92–318	506(a), (b)	Supplemental provision.
1869							
Mar. 3	15:283	121	----------	1508	92–607	506(h)(3)	Partial repeal.
1877							
Mar. 3	19:363	106	----------	682	92–423	3(3)	Exception.
1878							
June 11	20:102	180	5	813	92–495	5	Amendment.
1883							
Mar. 3	22:564	130	7	207	92–310	228(a)	Do.
1887							
Feb. 4	24:379	104	----------	228	92–316	3(a)	Applicability.
4	24:379	104	----------	1306	92–591	6(a)	Do.
4	24:379	104	20a	1308	92–591	13	Exception.
4	24:379	104	220(b)(1), (2)	423	92–338	----------	Part of existing text designated as (1) and amended; cl. (2) added.
4	24:379	104	504(a)(3)	463	92–348	5(a)	Amendment.
4	24:379	104	505	463	92–348	5(b)	Do.
4	24:379	104	510, 511	463	92–348	6	Sec. 510 renumbered as 511; new 510 added.
1890							
Aug. 30	26:417	841	5	350, 352, 236	92–318	506(c), (n), 2(c)(2)	Addition.
Oct. 1	26:645	1256	4, 5	204	92–310	220(d)	Repeal.
1892							
July 26	27:272	256	4	208	92–310	229(b)	Amendment.
1895							
Mar. 2	28:764	177	5	204	92–310	220(e)	Do.
1896							
Feb. 26	29:17	33	----------	211	92–310	231(t)	Partial repeal.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Chapter	Section	86 Stat.	Public Law	Section	Comment
1897							
Feb. 19	29:538	265	1	204	92–310	220(f)	Partial repeal.
1898							
July 1	30:544	541	50(a)	205	92–310	222(a)(1)	Deletion.
1	30:544	541	50(g)	205	92–310	222(a)(2)	Amendment.
1	30:544	541	50(h)	206	92–310	222(a)(3)	Do.
1	30:544	541	50(k)	206	92–310	222(a)(4)	Do.
1	30:544	541	50(l)	206	92–310	222(a)(5), (b)	Amendment; exception.
1899							
Mar. 3	30:1121	425	13	880	92–500	2	Continuation provision; supplemental provisions.
1901							
Mar. 3	31:1449	872	2(19)	235	92–317	3(b)	Amendment.
3	31:1449	872	3	235	92–317	3(c)	Partial revision.
3	31:1449	872	14	235	92–317	3(d)	Amendment.
3	31:1449	872	15(b)	235	92–317	3(e)	Revision.
3	31:1449	872	18	235	92–317	3(a)	Addition.
1902		Public Law					
June 3	32:286	139	----------	211	92–310	231(u)	Partial repeal.
17	32:388	161	----------	968	92–514	401	Applicability.
July 1	32:590	218	6, par. 5	1016	92–518	303 (a), (b)	Amendment.
1904							
Apr. 21	33:189	125	1	208	92–310	229(c)(1), (2)	Do.
1906							
Mar. 23	34:84	65	----------	731	92–434	2(2)	Applicability.
1907							
Mar. 1	34:1015	154	----------	208	92–310	229(d)	Amendment.
1908							
Apr. 30	35:71	104	----------	208	92–310	229(e)	Partial repeal.
May 23	35:251	136	----------	211	92–310	231(v)	Amendment.
26	35:274	139	1	1012	92–518	104(a), (b), 105	Do.
1909							
Mar. 4	35:945	328	8	211, 212	92–310	231(w)(1), (2)	Do.
1910							
May 11	36:354	171	----------	121	92–272	301(5), 302	Boundary revision.
June 17	36:468	213	1	212	92–310	231(x)(1), (2)	Amendment.
1911							
Mar. 1	36:961	435	----------	521	92–369	----------	Restriction.
4	36:1363	525	1	212	92–310	231(y)	Amendment.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1912							
May 27	37:118	137	1	400	92–331	2	Amendment.
Aug. 24	37:417	302	1	516	92–369	----------	Exception.
1914							
May 8	38:372	95	----------	351	92–318	506(g)	(Revised. See 1953, P.L. 83, sec. 1.)
July 16	38:454	127	5	1323	92–598	7(2)	Exception.
Sept. 26	38:717	203	----------	1231–1233	92–573	30(b), (e)(2)–(4), 34(2)	Transfer of functions; savings provision.
26	38:717	203	9, 10	1256	92–576	8(b)	Applicability.
1916							
Aug. 9	39:442	184	----------	121	92–272	301(8), 302	Boundary revision.
9	39:442	184	1	918	92–510	4	Amendment.
Sept. 1	39:676	250	12(a)(5)(B)	641, 642	92–410	201(a)(1), (b)	Amendment; effective date.
1	39:676	250	12(c)(5)	641, 642	92–410	201(a)(2), (b)	Amendment.
1	39:676	250	12(h)(3)	641	92–410	201(a)(3)	Exception.
1	39:676	250	12(h)(4)	641, 642	92–410	201(a)(3), (b)	Addition.
1	39:676	250	12(k)(1)	642	92–410	201(a)(4), (b)	Revision; effective date.
1	39:676	250	12(m)(1), (2)	642	92–410	203(a), (c)	Existing text designated as (1); par. (2) added.
7	39:728	260	----------	389	92–323	1(b)(B)	Exception.
7	39:728	260	15	653	92–416	1(a)	Amendment.
7	39:728	260	16	653	92–416	1(b)	Do.
7	39:728	260	18(b)(6)	653	92–416	1(c)	Deletion; new par. (6) added.
7	39:728	260	23	653	92–416	1(d)	Amendment.
7	39:728	260	32	653	92–416	1(e)	Deletion; new sec. 32 added.
1917							
Sept. 14	40:288	43	----------	232	92–316	10(a)	Supplemental provision.
24	40:288	43	----------	268	92–318	133(a)	Do.
24	40:288	43	----------	390	92–324	2	Do.
24	40:288	43	----------	465	92–349	101	Do.
24	40:288	43	----------	662	92–419	116	Do.
24	40:288	43	----------	901	92–500	12(g)(2)	Do.
24	40:288	43	----------	915	92–507	3	Do.
24	40:288	43	----------	1271	92–578	6(10)	Do.
24	40:288	43	21	63	92–250	----------	Debt limit, increase.
24	40:288	43	21	406	92–336	1	Debt limit, increase, extension.
24	40:288	43	21	1324	92–599	101	Debt limit, increase.
Oct. 6	40:411	91	6	214	92–310	235	Amendment.
6	40:411	91	20	764	92–458	2	Applicability.
6	40:411	91	34(a)	764	92–458	2	Do.
1918							
Apr. 15	40:519	128	----------	212	92–310	231(aa)	Amendment.
June 20	40:607	174	6	761	92–455	6(a)(2), (3)(b)	Do.
20	40:607	174	6(3)	761	92–455	6(a)(1), (b)	Addition.
July 1	40:634	181	1	212	92–310	231(z)	Amendment.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1919							
Mar. 3	40:1322	344	1, 2, 4–7	1182	92–568	3(1)	Repeal.
1920							
Feb. 14	41:408	141	----------	209	92–310	229(f)(1), (2)	Amendment.
Mar. 9	41:525	156	9	656	92–417	3	Do.
June 5	41:874	246	1	207	92–310	228(c)	Do.
1921							
Mar. 2	41:1205	357	1	212	92–310	231(aa)	Do.
1922							
Feb. 17	42:366	145	----------	148, 149	92–302	1(a), 3(a)	Do.
1924							
May 3	43:115	114	1	400	92–331	1	Revision.
June 7	43:653	270	3	134	92–288	3(a)	Amendment.
1925							
Feb. 28	43:1053	506	301–319	20	92–225	405, 406	Repeal.
Mar. 3	43:1119	561	6(j)	1015	92–518	301(a), (b)	Amendment.
1926							
Mar. 3	44:161	36	----------	204	92–310	220(g)	Do.
Apr. 29	44:330	156	----------	235	92–317	3(f)	Partial repeal.
May 20	44:576	255	----------	214	92–310	233	Amendment.
25	44:635	282	1(a), (b)	639, 641	92–410	112(1), (2), 118	Existing text designated as (a); subsec. (b) added.
July 3	44:822	467	----------	121	92–272	301(11), 302	Boundary revision.
	44:826	471	----------	120	92–272	101(8)	(Revised. See 1927, P.L. 782.)
	44:888	496	----------	212, 213	92–310	231(bb)(1), (2)	Amendment.
1927							
Mar. 4	44:1405	782	----------	120	92–272	101(8)	Do.
4	44:1424	803	----------	1261	92–576	14	Exception.
4	44:1424	803	2(3)	1251, 1265	92–576	2(a), 22	Revision.
4	44:1424	803	2(4)	1251, 1265	92–576	2(b), 22	Amendment.
4	44:1424	803	2(14)	1252, 1265	92–576	3(b), 22	Do.
4	44:1424	803	2(16)–(23)	1265	92–576	20(c)(1), (3)	Subsecs. (16), (17) deleted; new (16) added; (18)–(23) redesignated as (17)–(22).
4	44:1424	803	2(19), (20)	1251, 1265	92–576	3(a), 22	Par. (19) redesignated as (20); new (19) added.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1927							
Mar. 4	44:1424	803	2(20), (21)	1253, 1265	92–576	5(b), 22	Par. (20) redesignated as (21); new (20) added.
4	44:1424	803	2(21), (22)	1262, 1265	92–576	15(c), 22	Par. (21) redesignated as (22); new (21) added.
4	44:1424	803	2(22), (23)	1263, 1265	92–576	18(b), 22	Par. (22) redesignated as (23); new (22) added.
4	44:1424	803	3(a)	1251,	92–576	2(c), 22	Amendment.
4	44:1424	803	3(a)(1)	1265	92–576	21, 22	Do.
4	44:1424	803	5	1263, 1265	92–576	18(a), 22	Revision.
4	44:1424	803	6(a)	1252, 1265	92–576	4, 22	Amendment.
4	44:1424	803	6(b)–(d)	1252, 1265	92–576	5(a), 22	Subsec. (b) deleted; new (b)–(d) added.
4	44:1424	803	7	1254, 1265	92–576	6(a), 22	Revision.
4	44:1424	803	8(c)(20)	1255, 1265	92–576	7, 22	Do.
4	44:1424	803	8(d)	1253, 1265	92–576	5(c), 22	Do.
4	44:1424	803	8(f)(1)	1257, 1265	92–576	9(a), (22)	Do.
4	44:1424	803	8(f)(2)	1257, 1265	92–576	9(a), (b), 22	Deletion; new par. (2) added.
4	44:1424	803	8(i)	1264, 1265	92–576	20(a), 22	Revision.
4	44:1424	803	9	1253	92–576	5(c)	Exception.
4	44:1424	803	9	1253, 1265	92–576	5(d), 22	Amendment.
4	44:1424	803	9	1265	92–576	20(c)(2), (3)	Do.
4	44:1424	803	9(a)–(d)	1257, 1258, 1265	92–576	10(a)–(c), 22	Do.
4	44:1424	803	9(e)	1258, 1265	92–576	10(d), 22	Revision.
4	44:1424	803	10(f)–(h)	1258, 1265	92–576	11, 22	Addition.
4	44:1424	803	12(a)	1259, 1265	92–576	12(a), 22	Revision.
4	44:1424	803	13(a)	1259, 1265	92–576	12(b), 22	Do.
4	44:1424	803	14(f)	1262, 1265	92–576	15(d), 22	Amendment.
4	44:1424	803	14(m)	1254, 1265	92–576	5(e), 22	Deletion.
4	44:1424	803	15(b)	1264	92–576	20(a)	Exception.
4	44:1424	803	16	1264	92–576	20(a)	Exceptions.
4	44:1424	803	17(a), (b)	1264, 1265	92–576	20(b), 22	Existing text designated as (a); subsec. (b) added.
4	44:1424	803	19(d)	1261, 1265	92–576	14, 22	Revision.
4	44:1424	803	21(b)	1261, 1265	92–576	15(a), 22	Do.
4	44:1424	803	21(c)–(e)	1261, 1262, 1265	92–576	15(a), (b), 22	Subsecs. (c), (d) redesignated as (d), (e); new (c) added.
4	44:1424	803	[1] 21a	1262	92–576	16	(See 1928, P. L. 349.)

[1] So in text.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1927							
Mar. 4	44:1424	803	23	1262, 1265	92–576	15(e), 22	Amendment.
4	44:1424	803	27	1262, 1265	92–576	15(e), 22	Do.
4	44:1424	803	28	1259, 1265	92–576	13, 22	Revision.
4	44:1424	803	33(b)	1262, 1265	92–576	15(f), 22	Amendment.
4	44:1424	803	33(e)(1)(A)	1262, 1265	92–576	15(g), 22	Do.
4	44:1424	803	3(g)	1262, 1265	92–576	15(h), 22	Revision.
4	44:1424	803	35	1262, 1265	92–576	15(i), 22	Amendment.
4	44:1424	803	39(c)(1), (2)	1262, 1265	92–576	17(a), 22	Existing text designated as (2); par. (1) added.
4	44:1424	803	40(f)	1262, 1265	92–576	15(j), 22	Amendment.
4	44:1424	803	44(a)	1256, 1265	92–576	8(a), 22	Do.
4	44:1424	803	44(c)–(k)	1256, 1265	92–576	8(b), (d), 22	Subsecs. (d)–(g) redesignated as (f)–(i); (c) deleted; new (c)–(e), (j), (k) added.
4	44:1424	803	49–52	1263, 1265	92–576	19, 22	Secs. 49–51 redesignated as 50–52; new 49 added.
1928							
May 4	45:490	[1]349	----------	1262, 1265	92–576	16, 22	Revision.
11	45:497	364	----------	205	92–310	220(h)	Partial repeal.
1929							
Mar. 4	45:1558	1027	----------	121	92–272	301(2), 302	Boundary revision.
1930							
Jan. 23	46:58	34	----------	121	92–272	301(4), 302	Do.
May 7	46:391	271	7	511	92–369	----------	Exception.
June 10	46:531	325	6(c), (d)	38	92–231	1	Amendment.
10	46:531	325	7(a)	38	92–231	2	Do.
			Tariff Schedules				
17	46:590	361	Item 106.10	1612	Proc. No. 4114	----------	Supplemental provision.
17	46:590	361	Item 106.20	1612	Proc. No. 4114	----------	Do.
17	46:590	361	Item 907.50 (App.)	1296	92–587	3(a), (b)	Addition.
17	46:590	361	Items 923.01–923.15 and prec. heading (App.)	1626, 1627	Proc. No. 4125	----------	Do.

[1] Referred to in text as sec. 21a of P.L. 803, Mar. 4, 1927.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1930			**Tariff Schedules —Continued**				
June 17	46:590	361	Items 923.31–923.75 and prec. heading (App.)	1597, 1598	Proc. No. 4102	----------	Revision.
17	46:590	361	Pt. 3, Hdnt. 3(a)(i) (App.)	1648	Proc. No. 4138	4	Exception.
17	46:590	361	Pt. 3, Hdnt. 3(a)(v) (App.)	1647, 1648	Proc. No. 4138	2, 5	Addition.
17	46:590	361	Items 950.10B–950.10E and prec. heading (App.)	1643–1648	Proc. No. 4138	1, 5	Revision.
17	46:590	361	322	1162	92–549	107(a)	Heading amended.
17	46:590	361	322(b)(4)	1162	92–549	107(b)	Addition.
17	46:590	361	514	1296	92–587	3(c)	Exception.
1931							
Feb. 23	46:1207	715	7, "Sec. 35"	207	92–310	227(b)(1), (2)	Amendment.
Mar. 3	46:1514	835	----------	121	92–272	301(6), 302	Boundary revision.
1932							
June 30	47:382	212	----------	1133	92–544	----------	Exception.
30	47:382	212	321	1103	92–541	2(a)	Do.
30	47:382	212	322	1323	92–598	7(5)	Do.
1933							
Mar. 3	47:1425	415	2	653	92–416	2	Amendment.
3	47:1489	428 (title III)	2	1323	92–598	7(8)	Exception.
May 12	48:31	10	8c(2)(A)	39	92–233	1(1)	Amendment.
12	48:31	10	8c(2)(A)	780	92–466	1(1)	Do.
12	48:31	10	8c(2)(B)	39	92–233	1(2)	Do.
12	48:31	10	8c(6)(I)	780	92–466	1(2)	Do.
12	48:31	10	8c(6)(J)	780	92–466	1(5)	Addition.
12	48:31	10	8c(7)(C)	780	92–466	1(3)	Amendment.
12	48:31	10	8c(19)	780	92–466	1(4)	Do.
13	48:58	17	3	206	92–310	225(a)	Do.
13	48:58	17	4(f)	206	92–310	225(b)	Do.
June 13	48:128	43	5(c)	270, 236	92–318	133(c)(3), 2(c)(1), (2)	Do.
16	48:257	75	84	661	92–419	115(b)	Provision subsequent to repeal.

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Provisions affected					Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1934							
June 16	48:976	372	----------	1042	92-522	113(b)	Partial repeal.
18	48:984	383	----------	783	92-470	1(b)	Applicability.
19	48:1064	416	312(a)(7)	4, 20	92-225	103(a)(2)(A),406	Addition.
19	48:1064	416	315(a)	4, 20	92-225	103(a)(2)(B), 406	Amendment.
19	48:1064	416	315(b)	4, 20	92-225	103(a)(1), 406	Revision.
19	48:1064	416	315(c)-(g)	7, 20	92-225	104(c), 406	Subsec. (c) redesignated as (g); new (c)-(f) added.
19	48:1064	416	391	643	92-411	2	Revision.
19	48:1064	416	396(k)(1)	643	92-411	1(a)	Do.
19	48:1064	416	396(k)(2)	643	92-411	1(b)	Amendment.
19	48:1064	416	501-503	7	92-225	104(c)	Nonapplicability.
27	48:1246	479	2(a)	906	92-503	1(a)	Amendment.
27	48:1246	479	217	906	92-503	1(b)	Do.
27	48:1246	479	221(f)	906	92-503	1(c)	Do.
27	48:1246	479	235(m)	906	92-503	1(d)	Do.
27	48:1246	479	236(n)	906	92-503	1(e)	Do.
27	48:1246	479	309(d)	206	92-310	223(c)	Do.
27	48:1246	479	809(f)	906	92-503	1(f)	Do.
27	48:1246	479	810(k)	906	92-503	1(g)	Do.
27	48:1246	479	1002(a)	906	92-503	1(h)	Do.
27	48:1246	479	1101(a)	906	92-503	1(i)	Do.
1935							
Apr. 27	49:163	46	7(a)(6)	676	92-419	606(1)	Addition.
27	49:163	46	8(b)	676, 677	92-419	605, 606(2), (3)	Amendment.
27	49:163	46	8(d)	677	92-419	606(4)	Do.
27	49:163	46	8(e)	677	92-419	606(5)	Do.
27	49:163	46	15	677	92-419	606(6)	Do.
June 28	49:425	170	1	34	92-226	404	Do.
29	49:436	182	22	350-352, 236	92-318	506(d)(1)-(3), (n), 2(c)(2)	Do.
Aug. 14	49:620	271	----------	1431	92-603	249F(b)	Waiver.
14	49:620	271	1-6	1484	92-603	303(a),(b)	Repeal; effective date; nonapplicability.
14	49:620	271	2(a)(1)	1491	92-603	410(a)	Amendment.
14	49:620	271	2(a)(4)(A), (B)	1489	92-603	407(a)(1), (2)	Part of existing text designated as (A); cl. (B) added.
14	49:620	271	2(a)(7)	1492	92-603	413(a)	Revision.
14	49:620	271	2(a)(10)(C)	1488	92-603	405(a)	Amendment.
14	49:620	271	2(b)	1488	92-603	406(a)	Do.
14	49:620	271	3(a)	947	92-512	301(d),(e)	Do.
14	49:620	271	3(a)(4)	945	92-512	301(a)	Exception.
14	49:620	271	3(a)(4)(E)	946, 947	92-512	301(b), (e)	Amendment.
14	49:620	271	3(a)(5)	945	92-512	301(a)	Exception.
14	49:620	271	6(a)	1489	92-603	408(a)	Amendment.
14	49:620	271	6(a)(i), (ii)	1490	92-603	409(a)(1), (2)	Part of existing text designated as (i); cl. (ii) added.
14	49:620	271	201-231	1361	92-603	133(a)	Exception.
14	49:620	271	201(a)	1360, 1361	92-603	132(a),(f)	Amendment.
14	49:620	271	201(b)	1360, 1361	92-603	132(b), (f)	Do.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	201(b)(1)(D)	422	92-336	205(a)(1), (2)	Amendment.
14	49:620	271	201(b)(1)(E)-(G)	422	92-336	205(a)(1), (2)	Addition.
14	49:620	271	201(b)(1)(E)	1364	92-603	136(a)(1)	Amendment.
14	49:620	271	201(b)(1)(F)	1364	92-603	136(a)(2)	Do.
14	49:620	271	201(b)(1)(G)	1364	92-603	136(a)(3)	Do.
14	49:620	271	201(b)(2)(D)	422	92-336	205(b)(1), (2)	Addition.
14	49:620	271	201(b)(2)(E)-(G)	422	92-336	205(b)(1), (2)	Do.
14	49:620	271	201(b)(2)(E)	1364	92-603	136(b)(1)	Amendment.
14	49:620	271	201(b)(2)(F)	1364	92-603	136(b)(2)	Do.
14	49:620	271	201(b)(2)(G)	1364	92-603	136(b)(3)	Do.
14	49:620	271	201(g)(1)(A)	1484, 1485	92-603	305(a)(1)-(3), (c)	Do.
14	49:620	271	201(i)	1360, 1361	92-603	132(c), (f)	Addition.
14	49:620	271	202	1339, 1344, 1345, 1348, 1349	92-603	102(h), 108(g), 114(e)	Savings provision.
14	49:620	271	202(a)	1340	92-603	103(b), (d)	Amendment.
14	49:620	271	202(b)(1)(D)-(L)	1348	92-603	114(a)(1)-(3), (d)	Subpar. (D) deleted; (E)-(L) redesignated as (D)-(K).
14	49:620	271	202(d)(1)	1344	92-603	108(c), (f)	Amendment.
14	49:620	271	202(d)(1)(B)(ii)	1343, 1344	92-603	108(a), (f)	Do.
14	49:620	271	202(d)(1)(D)	1347	92-603	112(a), (b)	Do.
14	49:620	271	202(d)(1)(F)	1343, 1344	92-603	108(b), (f)	Revision.
14	49:620	271	202(d)(1)(G)	1343, 1344	92-603	108(b), (f)	Do.
14	49:620	271	202(d)(6)	1344	92-603	108(d), (f)	Amendment.
14	49:620	271	202(d)(7)(D)	1345	92-603	109(a), (b)	Addition.
14	49:620	271	202(d)(8)	1346, 1347	92-603	111(a), (b)	Deletion; new par. (8) added.
14	49:620	271	202(d)(9)	1346, 1347	92-603	111(a), (b)	Deletion.
14	49:620	271	202(d)(9)	1347, 1348	92-603	113(b), (c)	Addition.
14	49:620	271	202(e)(1)	1335, 1339	92-603	102(a)(1)(A), (C), (i)	Amendment.
14	49:620	271	202(e)(1)	1372	92-603	201(b)(5)	Supplemental provision.
14	49:620	271	202(e)(1)(B)(ii)	1372	92-603	201(b)(5)	Do.
14	49:620	271	202(e)(1)(C)(i), (ii)	1335, 1339	92-603	102(a)(1)(B), (C), (i)	Amendment.
14	49:620	271	202(e)(1)(D)-(G)	1348	92-603	114(b)(1)(A)-(C), (d)	Subpar. (D) deleted; (E)-(G) redesignated as (D)-(F).
14	49:620	271	202(e)(2)	1335, 1339	92-603	102(a)(2), (i)	Revision.

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Provisions affected					Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	202(e)(5)	1372	92-603	201(b)(5)	Supplemental provision.
14	49:620	271	202(e)(6)	1348	92-603	114(b)(2), (d)	Amendment.
14	49:620	271	202(e)(6)	1350	92-603	116(b)(1)-(3), (e)	Do.
14	49:620	271	202(f)(1)	1335, 1336, 1339	92-603	102(b)(1)(A), (C), (i)	Do.
14	49:620	271	202(f)(1)(B)	1343	92-603	107(a)(1), (c)	Do.
14	49:620	271	202(f)(1)(B)(ii)	1372	92-603	201(b)(5)	Supplemental provision.
14	49:620	271	202(f)(1)(C)	1335, 1339	92-603	102(b)(1)(B), (i)	Amendment.
14	49:620	271	202(f)(1)(G)	1343	92-603	107(a)(2), (C)	Do.
14	49:620	271	202(f)(3)	1336, 1339	92-603	102(b)(2), (i)	Revision.
14	49:620	271	202(f)(5)	1343	92-603	107(a)(3), (c)	Amendment.
14	49:620	271	202(f)(6)	1343	92-603	107(a)(1), (c)	Do.
14	49:620	271	202(f)(6)	1372	92-603	201(b)(5)	Supplemental provision.
14	49:620	271	202(f)(7)	1350	92-603	116(c)(1)-(3), (e)	Amendment.
14	49:620	271	202(k)(1)	1345	92-603	110(a)	Exception.
14	49:620	271	202(k)(2)(A)	1345, 1346	92-603	110(a), (b)	Revision.
14	49:620	271	202(k)(3)(A)	1336, 1339	92-603	102(d), (i)	Amendment.
14	49:620	271	202(m)	1338, 1339	92-603	102(f), (i)	Revision.
14	49:620	271	202(q)(1)	1336, 1339	92-603	102(e)(1), (i)	Do.
14	49:620	271	202(q)(3)(A)	1338	92-603	102(e)(5)	Exception.
14	49:620	271	202(q)(3)(E)(ii)	1337, 1339	92-603	102(e)(2)(A), (i)	Deletion; new cl. (ii) added.
14	49:620	271	202(q)(3)(F)(ii)	1337, 1339	92-603	102(e)(2)(B), (i)	Do.
14	49:620	271	202(q)(3)(G)	1337, 1339	92-603	102(e)(2)(C), (i)	Amendment.
14	49:620	271	202(q)(3)(H)	1338, 1339	92-603	102(e)(5), (i)	Addition.
14	49:620	271	202(q)(7)	1337, 1339	92-603	102(e)(3)(A), (g)(2)(B), (i)	Amendment; applicability.
14	49:620	271	202(q)(7)(E)	1338, 1339	92-603	102(e)(3)(B), (i)	Amendment.
14	49:620	271	202(q)(9)	1338, 1339	92-603	102(e)(4), (i)	Revision.
14	49:620	271	202(s)(1)-(3)	1344	92-603	108(e)(1), (2), (f)	Amendment.
14	49:620	271	202(w)	1339, 1340	92-603	103(a), (d)	Addition.
14	49:620	271	203(a)	412	92-336	201(h)(2)	Savings provision.
14	49:620	271	203(a)	415	92-336	202(a)(2)(A)	Amendment; effective date.
14	49:620	271	203(a)(2)	410, 412	92-336	201(b), (i)	Deletion; new par. (2) added.
14	49:620	271	203(a)(2)	415	92-336	202(a)(2)(B)	Revision; effective date.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	203(a)(2)(B)	1370	92-603	144(a)(2), (b)	Amendment.
14	49:620	271	203(a)(2)(C)	1340	92-603	103(c), (d)	Do.
14	49:620	271	203(a)(2)(C)	1370	92-603	144(a)(3), (b)	Do.
14	49:620	271	203(a)(4)	411, 412	92-336	201(h)(1), (i)	Addition; effective date.
14	49:620	271	203(a)(5)	1334, 1335	92-603	101(b), (g)	Addition.
14	49:620	271	203(b)	1339	92-603	102(g)(2)(B)	Exception.
14	49:620	271	203(c)	1336, 1339	92-603	102(c)(1), (g)(2)(B), (i)	Amendment; exception.
14	49:620	271	203(c)	1343	92-603	107(b)(1), (c)	Amendment.
14	49:620	271	203(f)(1)	1341, 1342	92-603	105(a)(1), (c)	Do.
14	49:620	271	203(f)(1)(D)	1336, 1339	92-603	102(c)(2), (i)	Revision.
14	49:620	271	203(f)(1)(D)	1343	92-603	107(b)(2), (c)	Amendment.
14	49:620	271	203(f)(3)	1341, 1342	92-603	105(a)(3), (c)	Revision.
14	49:620	271	203(f)(3)	1342, 1343	92-603	106(a), (b)	Amendment.
14	49:620	271	203(f)(4)(B)	1341, 1342	92-603	105(a)(1), (c)	Do.
14	49:620	271	203(f)(8)	1341, 1342	92-603	105(b), (c)	Addition.
14	49:620	271	203(h)(1)(A)	1341, 1342	92-603	105(a)(2), (c)	Amendment.
14	49:620	271	204	152	92-303	1(c)(5)(A)	Applicability.
14	49:620	271	205	1422	92-603	243(a)	Exception.
14	49:620	271	205(a)	152	92-303	1(c)(5)(A)	Applicability.
14	49:620	271	205(a)	1476	92-603	301	Do.
14	49:620	271	205(b)	152	92-303	1(c)(5)(A), (B)	Do.
14	49:620	271	205(c)(2)(A), (B)	1364	92-603	137(1), (2)	Existing text designated as (A); subpar. (B) added.
14	49:620	271	205(d)-(h)	152	92-303	1(c)(5)(A), (B)	Applicability.
14	49:620	271	205(d)-(f)	1421, 1476	92-603	243(a), 301	Do.
14	49:620	271	205(j)-(l)	152	92-303	1(c)(5)(A)	Do.
14	49:620	271	206-208	152	92-303	1(c)(5)(A)	Do.
14	49:620	271	207	1476	92-603	301	Do.
14	49:620	271	208(f), (g)	1359, 1360	92-603	130(a), (b)	Addition.
14	49:620	271	209	1356	92-603	123(c)(1)	Amendment.
14	49:620	271	209(a)(6)	417, 420	92-336	203(a)(1)(A), (c)	Do.
14	49:620	271	209(a)(7)-(9)	417, 420	92-336	203(a)(1)(B), (c)	Addition.
14	49:620	271	209(i)	1341	92-603	104(g), (j)(1)	Amendment.
14	49:620	271	209(n)	1354	92-603	122(a), (c)	Addition.
14	49:620	271	209(o)	1365, 1366	92-603	138(a), (c)	Do.
14	49:620	271	210(a)(6)(B)(ii)	1357	92-603	125(a)	Supplemental provision.
14	49:620	271	210(a)(7)(C)(i), (ii)	1358	92-603	128(a)	Applicability.

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1935							
Aug. 14	49:620	271	210(a)(7)(E)	1358	92-603	128(a), (c)	Addition.
14	49:620	271	210(a)(8)(A)	1354	92-603	123(a)(1)	Amendment.
14	49:620	271	210(a)(10)(B)	1359	92-603	129(a)(1), (b)	Revision.
14	49:620	271	211(a)	1353, 1354	92-603	121(a)(1), (c)	Amendment.
14	49:620	271	211(a)(7)	1366	92-603	140(a)(1)-(3), (c)	Do.
14	49:620	271	211(a)(10)	1357	92-603	124(a)(1)-(3), (c)	Addition.
14	49:620	271	211(b)(1)(F)	418, 420	92-336	203(a)(2)(A), (c)	Amendment.
14	49:620	271	211(b)(1)(G)-(I)	418, 420	92-336	203(a)(2)(B), (c)	Addition.
14	49:620	271	211(g)	1353, 1354	92-603	121(a)(2), (c)	Do.
14	49:620	271	213(a)(2)(ii)	418, 420	92-336	203(a)(3)(A), (c)	Amendment.
14	49:620	271	213(a)(2)(iii)	418, 420	92-336	203(a)(3)(B), (c)	Do.
14	49:620	271	214(a)(1)	1340, 1341	92-603	104(a), (j)(1)	Do.
14	49:620	271	214(a)(1)	1341	92-603	104(j)(3)(A), (B), (j)(1)	Supplemental provision.
14	49:620	271	215(a)	406, 412	92-336	201(a), (i)	Table revised.
14	49:620	271	215(a)	410, 412	92-336	201(c), (i)	Deletion; new subsec. (a) added.
14	49:620	271	215(a)	1369, 1370	92-603	144(a)(1)(A), (B), (b)	Table amended.
14	49:620	271	215(a)(1)	1333, 1335	92-603	101(a)(1), (g)	Amendment.
14	49:620	271	215(a)(1)(A)	416	92-336	202(a)(3)(A)(i)	Amendment; effective date.
14	49:620	271	215(a)(2)	416	92-336	202(a)(3)(A)(ii)	Do.
14	49:620	271	215(a)(2)	1334, 1335	92-603	101(c), (g)	Amendment.
14	49:620	271	215(a)(3)	1333, 1335	92-603	101(a)(2), (g)	Addition.
14	49:620	271	215(b)(2)(C)(ii)	766	92-460	1(d)(1), 5(a)	Amendment; effective date.
14	49:620	271	215(b)(3)	1340, 1341	92-603	104(b), (j)(1)	Amendment.
14	49:620	271	215(b)(4)	411, 412	92-336	201(d), (i)	Do.
14	49:620	271	215(b)(4)	416	92-336	202(a)(3)(B)	Revision; effective date.
14	49:620	271	215(c)	411, 412	92-336	201(e), (i)	Revision.
14	49:620	271	215(c)	416	92-336	202(a)(3)(C)	Revision; effective date.
14	49:620	271	215(d)(1)(C)(iv)	1368	92-603	142(b)	Addition.
14	49:620	271	215(d)(2)	1362, 1369	92-603	134(b), 142(c)	Amendment.
14	49:620	271	215(e)(1)	418, 420	92-336	203(a)(4), (c)	Do.
14	49:620	271	215(f)(1)	1352	92-603	120(b)	Exception.
14	49:620	271	215(f)(2)	411, 412	92-336	201(f), (i)	Amendment.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	215(f)(2)	1334, 1335	92-603	101(d), (g)	Amendment.
14	49:620	271	215(f)(2)(B)	1362	92-603	134(a)(1)	Deletion; new sub-par. (B) added.
14	49:620	271	215(f)(6)	1362	92-603	134(a)(2)	Addition.
14	49:620	271	215(i)	412	92-336	202(a)(i)	Do.
14	49:620	271	215(i)(2)(A)(ii)	1334, 1335	92-603	101(e), (g)	Amendment.
14	49:620	271	216(e)(3)	1347, 1348	92-603	113(a)(1), (2), (c)	Addition.
14	49:620	271	216(i)(2)(A)	1350	92-603	116(d), (e)	Amendment.
14	49:620	271	216(i)(2)(B)	1351	92-603	118(b), (c)	Do.
14	49:620	271	216(i)(3)	1350, 1351	92-603	117(a), (c)	Do.
14	49:620	271	216(i)(3)(A)	1341	92-603	104(g), (j)(1)	Do.
14	49:620	271	216(i)(3)(A)	1341	92-603	104(j)(3)(A), (B), (j)(1)	Supplemental provision.
14	49:620	271	216(k)	1349	92-603	115(a), (c)	Heading amended.
14	49:620	271	216(k)	1349	92-603	115(b), (c)	Amendment.
14	49:620	271	216(k)	1370	92-603	145(a)(1), (2), (b)	Do.
14	49:620	271	216(k)(2)	1370	92-603	145(a)(2)	Nonapplicability.
14	49:620	271	218	1358, 1366	92-603	127, 141(a)	Exception.
14	49:620	271	218(d)(1)	1369	92-603	143(a)	Do.
14	49:620	271	218(d)(3)	1369	92-603	143(a)	Do.
14	49:620	271	218(d)(5)(A)	1369	92-603	143(a)	Do.
14	49:620	271	218(f)	1369	92-603	143(b)	Do.
14	49:620	271	218(g)(1)	1366	92-603	139(a)	Do.
14	49:620	271	218(p)(1)	1358	92-603	126	Amendment.
14	49:620	271	222(b)(1)	1343	92-603	107(b)(3), (c)	Do.
14	49:620	271	222(d)(1)	1360	92-603	131	Do.
14	49:620	271	222(d)(1)(D)	1343	92-603	107(b)(4), (c)	Do.
14	49:620	271	223	1344, 1345, 1348, 1349	92-603	108(g), 114(e)	Savings provision.
14	49:620	271	223	1361	92-603	133(a)	Supplemental provision.
14	49:620	271	223(a)(1)	1351	92-603	118(a)(1), (c)	Amendment.
14	49:620	271	223(a)(2)	1340, 1341	92-603	104(c)(1)–(3), (j)(1)	Do.
14	49:620	271	223(a)(2)	1351	92-603	118(a)(2), (c)	Do.
14	49:620	271	223(b)	1351	92-603	118(a)(3), (c)	Do.
14	49:620	271	223(c)(1)(A)	1340, 1341	92-603	104(d), (j)(1)	Do.
14	49:620	271	223(c)(1)(A)	1341	92-603	104(j)(3)(A), (B), (j)(1)	Supplemental provision.
14	49:620	271	223(c)(1)(B)(ii)	1350, 1351	92-603	117(b), (c)	Amendment.
14	49:620	271	223(c)(2)	1350	92-603	116(a)(1), (2), (e)	Do.
14	49:620	271	223(c)(2)(A)	1351	92-603	118(a)(4), (c)	Do.
14	49:620	271	224(a)	1352	92-603	119(a)(1), (b), (c)	Do.

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1935							
Aug. 14	49:620	271	224(a)(C)	1352	92-603	119(a)(2), (3), (C)	Addition.
14	49:620	271	225	1343	92-603	107(b)(5), (c)	Amendment.
14	49:620	271	226(a)	1371	92-603	201(b)(1)	Revision.
14	49:620	271	226(b)-(f)	1371, 1372	92-603	201(b)(1), (5)	Subsecs. (b)-(d) redesignated as (c), (d), (f); new (b), (e) added.
14	49:620	271	226(b)	1371	92-603	201(b)(2)	Amendment. (Former subsec.(b).)
14	49:620	271	226(b)(2)	1371	92-603	201(b)(3)	Do.
14	49:620	271	226(c)	1372	92-603	201(b)(4)	Amendment. (Former subsec.(c).)
14	49:620	271	226(e)	1463	92-603	299I	Redesignated as subsec. (f) (relating to widows' and widowers' benefits).
14	49:620	271	226(e)	1463	92-603	299I	Addition (relating to Medicare eligibility for disabled).
14	49:620	271	226(f)	1463	92-603	299I	Former subsec. (e) (relating to widows' and widowers' benefits) redesignated as (f).
14	49:620	271	226(f)	1464	92-603	229I	Addition (relating to Medicare eligibility based on kidney failure).
14	49:620	271	226(g)	1464	92-603	299I	Addition.
14	49:620	271	227	416	92-336	202(a)(4)	Amendment; effective date.
14	49:620	271	227(a)	411, 412	92-336	201(g)(1)(A), (i)	Amendment.
14	49:620	271	227(a)	1340, 1341	92-603	104(e), (j)(1)	Do.
14	49:620	271	227(b)	411, 412	92-336	201(g)(1)(B), (i)	Do.
14	49:620	271	227(b)	1340, 1341	92-603	104(f), (j)(1)	Do.
14	49:620	271	228	416	92-336	202(a)(4)	Amendment; effective date.
14	49:620	271	228(b)(1)	411, 412	92-336	201(g)(2)(A), (i)	Amendment.
14	49:620	271	228(b)(2)	411, 412	92-336	201(g)(2)(B), (i)	Do.
14	49:620	271	228(c)(2)	411, 412	92-336	201(g)(2)(C), (i)	Do.
14	49:620	271	228(c)(3)(A)	411, 412	92-336	201(g)(2)(D), (i)	Do.
14	49:620	271	228(c)(3)(B)	411, 412	92-336	201(g)(2)(E), (i)	Do.
14	49:620	271	229(a)	1352	92-603	120(a)(1)-(3), (b)	Do.
14	49:620	271	230	416	92-336	202(b)(1)	Addition.
14	49:620	271	230(b)(2)(A)	1370	92-603	144(a)(4), (b)	Amendment.
14	49:620	271	231	1367	92-603	142(a)	Addition.
14	49:620	271	402(a)(15)(B)	1462	92-603	299E(c)(1), (2)	Amendment.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	402(a)(24)	1492, 1493	92–603	414(a)(1), (2), (b)	Addition.
14	49:620	271	403	1463	92–603	299E(d), 299F	Exception.
14	49:620	271	403(a)	947	92–512	301(d), (e)	Amendment.
14	49:620	271	403(a)	1462	92–603	299E(d)	Exception.
14	49:620	271	403(a)(3)	945	92–512	301(a)	Do.
14	49:620	271	403(a)(3)(D)	946, 947	92–512	301(b), (e)	Amendment.
14	49:620	271	403(a)(5)	947	92–512	301(c),(e)	Revision.
14	49:620	271	403(e)–(g)	1462, 1463	92–603	299E(d), 299F	Addition.
14	49:620	271	403(g)	1463	92–603	299E(d)	Exception.
14	49:620	271	420	1492	92–603	412	Amendment.
14	49:620	271	501–515	1390	92–603	222(a)(3)	Waiver.
14	49:620	271	502(1)	456	92–345	1(a)	Amendment.
14	49:620	271	502(2)	456	92–345	1(b)	Do.
14	49:620	271	505(a)(6)	1389	92–603	221(c)(1), (d)	Do.
14	49:620	271	505(a)(6)	1411	92–603	232(b), (c)	Revision.
14	49:620	271	505(a)(8)	456	92–345	2(a)	Amendment.
14	49:620	271	505(a)(9)	457	92–345	2(b)	Do.
14	49:620	271	505(a)(10)	457	92–345	2(c)	Do.
14	49:620	271	505(a)(15)	1417, 1418	92–603	239(c)(1)–(3), (d)	Addition.
14	49:620	271	506(a)–(e)	1395	92–603	224(d)	Exception.
14	49:620	271	506(f)	1395	92–603	224(d)	Addition.
14	49:620	271	506(f)	1410	92–603	229(d)	Amendment.
14	49:620	271	506(f)(3)	1412	92–603	233(d), (f)	Addition.
14	49:620	271	506(f)(4)	1416	92–603	237(b), (d)(1)	Do.
14	49:620	271	506(g)	1389	92–603	221(c)(2), (d)	Do.
14	49:620	271	508(b)	457	92–345	2(d)	Amendment.
14	49:620	271	509(a)(2)	1389	92–603	221(c)(3), (d)	Do.
14	49:620	271	509(a)(2)(A)–(C)	1412	92–603	233(e), (f)	Part of existing text designated as (A); subcls. (B), (C) added.
14	49:620	271	509(b)	457	92–345	2(e)	Amendment.
14	49:620	271	510(b)	457	92–345	2(f)	Do.
14	49:620	271	601–605	1478–1484	92–603	302, 303(b)	Addition; effective date; nonapplicability.
14	49:620	271	903(b)(3)	398	92–329	2(d)	Amendment.
14	49:620	271	905(b)(1)	398	92–329	2(c)	Do.
14	49:620	271	1001–1006	1484	92–603	303(a), (f)	Repeal; effective date; nonapplicability.
14	49:620	271	1002(a)(1)	1491	92–603	410(b)	Amendment.
14	49:620	271	1002(a)(4)(A), (B)	1489	92–603	407(b)(1), (2)	Part of existing text designated as (A); cl. (B) added.
14	49:620	271	1002(a)(9)	1492	92–603	413(b)	Revision.
14	49:620	271	1002(a)(13)	1488	92–603	405(b)	Amendment.
14	49:620	271	1002(b)	1488	92–603	406(b)	Do.
14	49:620	271	1003(a)	947	92–512	301(d), (e)	Do.
14	49:620	271	1003(a)(3)	945	92–512	301(a)	Exception.
14	49:620	271	1003(a)(3)(E)	946, 947	92–512	301(b),(e)	Amendment.
14	49:620	271	1003(a)(4)	945	92–512	301(a)	Exception.
14	49:620	271	1006	1490	92–603	408(b)	Amendment.

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1935							
Aug. 14	49:620	271	1006(i), (ii)	1490	92–603	409(b)(1), (2)	Part of existing text designated as (i); cl. (ii) added.
14	49:620	271	1101–1130	1429	92–603	249F(a)	Designation as pt. A; heading revised.
14	49:620	271	1101(a)(1)	1451	92–603	272(a), (c)	Amendment.
14	49:620	271	1106	1428	92–603	249C(a)	Exception.
14	49:620	271	1106(d), (e)	1428	92–603	249C(a), (b)	Addition.
14	49:620	271	1108(c)(1)	1451	92–603	271(a), (c)	Amendment.
14	49:620	271	1108(c)(2)	1451	92–603	271(b), (c)	Do.
14	49:620	271	1108(d)	1451	92–603	272(b), (c)	Do.
14	49:620	271	1121	1453	92–603	278(a)(24)	Do.
14	49:620	271	1121	1458	92–603	292	Effective date of 1971 repeal.
14	49:620	271	1122	1386–1389	92–603	221(a), (b)	Addition.
14	49:620	271	1123	1418	92–603	241	Do.
14	49:620	271	1130	945, 947	92–512	301(a), (d), (e)	Addition; applicability.
14	49:620	271	1130	1479, 1481	92–603	302	Applicability.
14	49:620	271	1130	1487	92–603	403	Exceptions.
14	49:620	271	1151–1170	1429–1445	92–603	249F(b)	Addition (pt. B).
14	49:620	271	1401–1405	1484	92–603	303(a), (b)	Repeal; effective date; nonapplicability.
14	49:620	271	1402(a)(1)	1491	92–603	410(c)	Amendment.
14	49:620	271	1402(a)(4)(A), (B)	1489	92–603	407(c)(1), (2)	Part of existing text designated as (A); cl. (B) added.
14	49:620	271	1402(a)(9)	1492	92–603	413(c)	Revision.
14	49:620	271	1402(a)(12)	1488	92–603	405(c)	Amendment.
14	49:620	271	1402(b)	1488	92–603	406(c)	Do.
14	49:620	271	1403(a)	947	92–512	301(d), (e)	Do.
14	49:620	271	1403(a)(3)	945	92–512	301(a)	Exception.
14	49:620	271	1403(a)(3)(E)	946, 947	92–512	301(b), (e)	Amendment.
14	49:620	271	1403(a)(4)	945	92–512	301(a)	Exception.
14	49:620	271	1405	1490	92–603	408(c)	Amendment.
14	49:620	271	1405(i), (ii)	1491	92–603	409(c)(1), (2)	Part of existing text designated as (i); cl. (ii) added.
14	49:620	271	1601–1634	1465–1478, 1484	92–603	301, 303(b)	Revision; effective date; nonapplicability.
14	49:620	271	1602(a)(1)	1491	92–603	410(d)	Amendment.
14	49:620	271	1602(a)(4)(A), (B)	1489	92–603	407(d)(1), (2)	Part of existing text designated as (A); cl. (B) added.
14	49:620	271	1602(a)(7)	1492	92–603	413(d)	Revision.
14	49:620	271	1602(a)(10)	1488	92–603	405(d)	Amendment.
14	49:620	271	1602(b)	1489	92–603	406(d)	Do.
14	49:620	271	1603(a)	947	92–512	301(d), (e)	Do.
14	49:620	271	1603(a)(4)	945	92–512	301(a)	Exception.
14	49:620	271	1603(a)(4)(E)	946, 947	92–512	301(b), (e)	Amendment.
14	49:620	271	1603(a)(5)	945	92–512	301(a)	Exception.
14	49:620	271	1605(a)	1490	92–603	408(d)	Amendment.
14	49:620	271	1605(a)(i), (ii)	1491	92–603	409(d)(1), (2)	Part of existing text designated as (i); cl. (ii) added.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	1801–1879	1370	92–603	201(a)(1)(A)	Heading revised.
14	49:620	271	1801–1879	1384	92–603	211(c)(1)(B)	Applicability.
14	49:620	271	1801–1879	1390	92–603	222(a)(3)	Waiver.
14	49:620	271	1801–1879	1423	92–603	244(b)(2)	Exception.
14	49:620	271	1811–1818	1370	92–603	201(a)(1)(B)	Heading revised (pt. A).
14	49:620	271	1811	1371	92–603	201(a)(2)	Revision.
14	49:620	271	1812	1407, 1408	92–603	228(a)	Applicability.
14	49:620	271	1813	1383, 1411	92–603	211(a), 233(a)	Do.
14	49:620	271	1814	1403	92–603	226(b)(1)	Exception.
14	49:620	271	1814(a)	1404	92–603	226(c)(1), (f)	Amendment.
14	49:620	271	1814(a)	1405, 1407	92–603	227(b)(1), (g)	Do.
14	49:620	271	1814(a)(1)	1456	92–603	281(e), (g)	Revision; effective date.
14	49:620	271	1814(a)(2)(C)	1413, 1414	92–603	234(g)(1), (i)	Amendment.
14	49:620	271	1814(a)(2)(C)	1425	92–603	247(a), (c)	Do.
14	49:620	271	1814(a)(2)(C)	1453	92–603	278(a)(1)	Do.
14	49:620	271	1814(a)(2)(D)	1413, 1414	92–603	234(g)(1), (i)	Do.
14	49:620	271	1814(a)(2)(E)	1447	92–603	256(a), (d)	Addition.
14	49:620	271	1814(a)(6)	1453	92–603	278(a)(2)	Amendment.
14	49:620	271	1814(a)(7)	1416	92–603	238(a), (b)	Do.
14	49:620	271	1814(a)(7)	1453	92–603	278(a)(3)	Do.
14	49:620	271	1814(b)	1411, 1412	92–603	233(a), (f)	Revision.
14	49:620	271	1814(f)	1382, 1384	92–603	211(a), (d)	Do.
14	49:620	271	1814(g)	1405, 1407	92–603	227(b)(2), (g)	Addition.
14	49:620	271	1814(h)	1407, 1408	92–603	228(a), (b)	Do.
14	49:620	271	1814(h)	1453, 1454	92–603	278(b)(4), (17)	Amendment.
14	49:620	271	1814(i)	1407, 1408	92–603	228(a), (b)	Addition.
14	49:620	271	1816(a)	1422	92–603	243(b), (c)	Amendment.
14	49:620	271	1817(a)	1360	92–603	132(d), (f)	Do.
14	49:620	271	1818	1374	92–603	202	Addition.
14	49:620	271	1831–1844	1370	92–603	201(a)(1)(C)	Heading revised (pt. B).
14	49:620	271	1831	1371	92–603	201(a)(3)(A)	Heading amended.
14	49:620	271	1831	1371	92–603	201(a)(3)(B)	Amendment.
14	49:620	271	1832(a)(2)(B)	1406, 1407	92–603	227(e)(1), (g)	Revision.
14	49:620	271	1832(a)(2)(C)	1445, 1446	92–603	251(a)(4), (d)(1)	Amendment.
14	49:620	271	1833	1403	92–603	226(b)(1)	Exception.
14	49:620	271	1833(a)	1404	92–603	226(c)(2), (f)	Amendment.
14	49:620	271	1833(a)(1)(C)	1384	92–603	211(c)(4), (d)	Addition.
14	49:620	271	1833(a)(1)(D)	1454	92–603	279(a)(1), (2)	Do.
14	49:620	271	1833(a)(2)	1411, 1412	92–603	233(b), (f)	Revision.

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1935								
Aug. 14	49:620	271	1833(a)(2)		1464	92–603	299K(a), (b)	Amendment.
14	49:620	271	1833(a)(2)(C)		1445, 1446	92–603	251(a)(3), (d)(1)	Addition.
14	49:620	271	1833(b)		1377	92–603	204(a), (c)	Amendment.
14	49:620	271	1833(f)(A), (B)		1424	92–603	245(d)(1), (2)	Part of existing text designated as (A) and amended; cl. (B) added.
14	49:620	271	1833(f)(1), (2)		1424	92–603	245(d)(3)	Existing text designated as (1); par. (2) added.
14	49:620	271	1833(g)		1445, 1446	92–603	251(a)(2), (d)(1)	Addition.
14	49:620	271	1833(g)		1454	92–603	279(b)	Addition (relating direct laboratory billing of patients).
14	49:620	271	1835(a)		1406, 1407	92–603	227(e)(2)(A), (g)	Amendment.
14	49:620	271	1835(a)(1)		1456	92–603	281(f), (g)	Revision; effective date.
14	49:620	271	1835(a)(2)(C)		1445, 1446	92–603	251(b)(2), (d)(2)	Amendment.
14	49:620	271	1835(a)(2)(D)		1456	92–603	283(b)(1), (2), (c)	Addition.
14	49:620	271	1835(c)		1377	92–603	204(b), (c)	Amendment.
14	49:620	271	1835(e)		1406, 1407	92–603	227(e)(2)(B), (g)	Addition.
14	49:620	271	1836		1372	92–603	201(c)(1)	Revision.
14	49:620	271	1837		1375, 1378	92–603	202, 206(e)	Applicability.
14	49:620	271	1837(b)		1448	92–603	260	Revision.
14	49:620	271	1837(c)		1372	92–603	201(c)(2)(A), (B)	Amendment.
14	49:620	271	1837(d)		1373	92–603	201(c)(2)(C)	Do.
14	49:620	271	1837(f), (g)		1378	92–603	206(a)	Addition.
14	49:620	271	1837(h)		1448	92–603	259(a), (b)	Addition; effective date.
14	49:620	271	1838		1375	92–603	202	Applicability.
14	49:620	271	1838(a)(1)		1373	92–603	201(c)(3)(A)	Amendment.
14	49:620	271	1838(a)(2)(A)–(D)		1373	92–603	201(c)(3)(B)(i), (ii)	Do.
14	49:620	721	1838(a)(3)		1378	92–603	206(b)(1), (2)	Addition.
14	49:620	271	1838(b)		1378	92–603	206(c)	Amendment.
14	49:620	271	1838(b)		1447	92–603	257(a), (b)	Do.
14	49:620	271	1838(c), (d)		1373	92–603	201(c)(3)(C)	Subsec. (c) redesignated as (d); new (c) added.
14	49:620	271	1839(b)(1)		1376	92–603	203(a)	Amendment.
14	49:620	271	1839(b)(2)		1376	92–603	203(b)	Do.
14	49:620	271	1839(c)–(f)		1376	92–603	203(c)	Subsecs. (c)–(e) redesignated as (d)–(f); new (c) added.
14	49:620	271	1839(c)		1373	92–603	201(c)(4)(A), (B)	Amendment.
14	49:620	271	1839(c)		1375	92–603	202	Applicability.
14	49:620	271	1839(d)		1377	92–603	203(d)(1)	Redesignated subsec. (d) amended.
14	49:620	271	1839(e)		1373	92–603	201(c)(5)	Addition.

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1935							
Aug. 14	49:620	271	1839(f)	1377	92–603	203(d)(2)	Redesignated subsec. (f) amended.
14	49:620	271	1840(a)(1)	1373	92–603	201(c)(6)(A)	Amendment.
14	49:620	271	1840(a)(1)	1448, 1449	92–603	263(a), (f)	Do.
14	49:620	271	1840(a)(2)	1373	92–603	201(c)(6)(B)	Do.
14	49:620	271	1840(b)(1)	1449	92–603	263(b), (f)	Do.
14	49:620	271	1840(c)–(i)	1449	92–603	263(c), (f)	Subsec. (c) deleted; (d)–(i) redesignated as (c)–(h).
14	49:620	271	1840(e)	1449	92–603	263(d)(1), (f)	Redesignated subsec (e) amended.
14	49:620	271	1840(f)	1375	92–603	202	Applicability.
14	49:620	271	1840(f)	1449	92–603	263(d)(2), (f)	Redesignated subsec. (f) amended.
14	49:620	271	1840(h)	1375	92–603	202	Applicability.
14	49:620	271	1840(h)	1449	92–603	263(d)(3), (f)	Redesignated subsec. (h) amended.
14	49:620	271	1841(a)	1361	92–603	132(e), (f)	Amendment.
14	49:620	271	1841(h)	1449	92–603	263(d)(4), (f)	Do.
14	49:620	271	1841(i)	1449	92–603	263(e), (f)	Addition.
14	49:620	271	1842(a)	1407	92–603	227(e)(3), (g)	Amendment.
14	49:620	271	1842(b)(3)	1395	92–603	224(a)	Do.
14	49:620	271	1842(b)(3)	1447	92–603	258(a), (b)	Amendment; effective date.
14	49:620	271	1842(b)(3)(B)(ii)	1384	92–603	211(c)(3), (d)	Amendment.
14	49:620	271	1842(b)(3)(B)(ii)(I), (II)	1455, 1456	92–603	281(d)(1), (2), (g)	Part of existing text designated as (I); subcl. (II) added; effective date.
14	49:620	271	1842(b)(3)(C)	1448	92–603	262(a), (b)	Amendment.
14	49:620	271	1842(b)(5)	1414, 1415	92–603	236(a), (c)	Addition.
14	49:620	271	1842(g)	1449	92–603	263(d)(5), (f)	Do.
14	49:620	271	1844(a)(1)	1377	92–603	203(e)	Revision.
14	49:620	271	1861(a)(2)	1453	92–603	278(a)(4)	Amendment.
14	49:620	271	1861(b)	1404, 1407	92–603	227(a), (g)	Do.
14	49:620	271	1861(b)(4)	1404	92–603	227(a)	Nonapplicability.
14	49:620	271	1861(b)(6)	1404, 1407	92–603	227(a), (g)	Addition.
14	49:620	271	1861(b)(6)	1452	92–603	276(a), (b)	Amendment.
14	49:620	271	1861(b)(7)	1404, 1407	92–603	227(a), (g)	Addition.
14	49:620	271	1861(e)	1383, 1384	92–603	211(b)(1)–(3), (d)	Amendment.
14	49:620	271	1861(e)(8), (9)	1412, 1414	92–603	234(a)(1)–(3), (i)	Par. (8) redesignated as (9); new (8) added.
14	49:620	271	1861(e)(9)	1423	92–603	244(c)	Amendment.
14	49:620	271	1861(f)(2)	1412, 1414	92–603	234(b), (i)	Revision.
14	49:620	271	1861(g)(2)	1412, 1414	92–603	234(c), (i)	Do.
14	49:620	271	1861(h)–(l)	1453	92–603	278(a)(5)–(9)	Amendment.
14	49:620	271	1861(i)	1454	92–603	278(b)(10)	Do.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	1861(i)(A)–(C)	1425	92–603	248	Part of existing text designated as (A) and amended; cls. (B), (C) amended.
14	49:620	271	1861(j)	1450	92–603	267	Amendment.
14	49:620	271	1861(j)	1454	92–603	278(b)(13)	Do.
14	49:620	271	1861(j)(10)	1412–1414	92–603	234(d)(1)–(3), (i)	Par. (10) redesignated as (11); new (10) added.
14	49:620	271	1861(j)(11)–(13), (15)	1424, 1425	92–603	246(b)(1)–(4), (c)	Par. (11) redesignated as (15) and amended; new (11)–(13) added.
14	49:620	271	1861(j)(11)	1412, 1414	92–603	234(d)(1), (2), (i)	Former par. (10) redesignated as (11).
14	49:620	271	1861(j)(11)	1450	92–603	265	Amendment.
14	49:620	271	1861(k)	1416	92–603	237(c)	Do.
14	49:620	271	1861(m)(7)	1453	92–603	278(a)(10)	Do.
14	49:620	271	1861(n)	1453	92–603	278(a)(11)	Do.
14	49:620	271	1861(o)(5), (6)	1413, 1414	92–603	234(e)(1)–(3), (i)	Par. (5) redesignated as (6); new (5) added.
14	49:620	271	1861(p)	1445, 1446	92–603	251(a)(1), (d)(1)	Amendment.
14	49:620	271	1861(p)	1445, 1446	92–603	251(b)(1), (d)(2)	Do.
14	49:620	271	1861(p)	1456	92–603	283(a), (c)	Amendment; applicability.
14	49:620	271	1861(q)	1407	92–603	227(f), (g)	Amendment.
14	49:620	271	1861(r)	1384	92–603	211(c)(2), (d)	Amendment; applicability.
14	49:620	271	1861(r)(2)(C)	1447	92–603	256(b), (d)	Addition.
14	49:620	271	1861(r)(4)	1449	92–603	264(a)(1), (2), (b)	Do.
14	49:620	271	1861(r)(5)	1451, 1452	92–603	273(a)(1), (2), (b)	Do.
14	49:620	271	1861(s)(8)	1446	92–603	252(a), (b)	Amendment.
14	49:620	271	1861(u)	1406, 1407	92–603	227(d)(1), (g)	Do.
14	49:620	271	1861(u)	1453	92–603	278(a)(12)	Do.
14	49:620	271	1861(v)(1)	1393, 1394	92–603	223(a)–(d), (h)	Do.
14	49:620	271	1861(v)(1)(A)–(D)	1405, 1407, 1426	92–603	227(c)(1)–(4), (g), 249(b)	Part of existing text designated as subpars. (A), (B); cls. (A), (B) redesignated as cls. (i), (ii) of subpar. (A); (C), (D) added; exception.
14	49:620	271	1861(v)(1)(E)	1426	92–603	249(b)	Addition.
14	49:620	271	1861(v)(1)(E)	1454	92–603	278(b)(11)	Amendment.
14	49:620	271	1861(v)(3)	1453	92–603	278(a)(13)	Do.
14	49:620	271	1861(v)(4)–(6)	1394	92–603	223(f), (h)	Pars. (4), (5) redesignated as (5), (6); new (4) added.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	1861(v)(5)–(7)	1445, 1446	92–603	251(c), (d)(3)	Pars. (5), (6) redesignated as (6), (7); new (5) added.
14	49:620	271	1861(v)(5)	1389	92–603	221(c)(4), (d)	Addition.
14	49:620	271	1861(w)	1453	92–603	278(a)(14)	Amendment.
14	49:620	271	1861(y)	1453	92–603	278(a)(15)	Do.
14	49:620	271	1861(z)	1413, 1414	92–603	234(f), (i)	Addition.
14	49:620	271	1861(z)	1453	92–603	278(b)(6)	Amendment.
14	49:620	271	1862(a)(4)	1384	92–603	211(c)(1)(A), (B), (d)	Do.
14	49:620	271	1862(a)(12)	1447	92–603	256(c), (d)	Do.
14	49:620	271	1862(c)	1382	92–603	210	Addition.
14	49:620	271	1862(d)	1408	92–603	229(a)	Do.
14	49:620	271	1863	1413, 1414	92–603	234(g)(2), (i)	Amendment.
14	49:620	271	1864(a)	1452–1454	92–603	277, 278(a)(16), (b)(15)	Do.
14	49:620	271	1864(a)	1461, 1462	92–603	299D(a), (c)	Do.
14	49:620	271	1864(c)	1422	92–603	244(a)	Addition.
14	49:620	271	1865	1413, 1414	92–603	234(h)(1), (2), (i)	Amendment.
14	49:620	271	1865(a), (b)	1423	92–603	244(b)(1), (2)	Existing text designated as (a) and amended; subsec. (b) added.
14	49:620	271	1866	1453	92–603	278(a)(17)	Amendment.
14	49:620	271	1866(a)(1)	1406, 1407	92–603	227(d)(2), (g)	Do.
14	49:620	271	1866(a)(1)	1427	92–603	249A(b), (e)	Do.
14	49:620	271	1866(a)(1)	1454	92–603	278(b)(18)	Do.
14	49:620	271	1866(a)(1)(B), (C)	1455, 1456	92–603	281(c)(1), (2), (g)	Subpar. (B) redesignated as (C); new (B) added; effective date.
14	49:620	271	1866(a)(2)(B)(i), (ii)	1394	92–603	223(e)(1), (2), (h)	Existing text designated as (i); cl. (ii) added.
14	49:620	271	1866(a)(2)(C)	1394	92–603	223(g)(2), (h)	Amendment.
14	49:620	271	1866(a)(2)(D)	1394	92–603	223(g)(1), (h)	Addition.
14	49:620	271	1866(b)	1427	92–603	249A(c)(1), (e)	Amendment.
14	49:620	271	1866(b)(3)	1427	92–603	249A(c)(2), (e)	Deletion; new cl. (3) added.
14	49:620	271	1866(c)(1), (2)	1427	92–603	249A(d), (e)	Existing text designated as (1); par. (2) added.
14	49:620	271	1866(d)(2)(D)–(F)	1409	92–603	229(b)	Addition.
14	49:620	271	1867(a)–(c)	1457	92–603	288(a)–(c)	Subsecs. (a), (b) revised; (c) deleted.
14	49:620	271	1869(b)	1464, 1465	92–603	290(a), (b)(1), (2)	Revision.
14	49:620	271	1870(b)	1455, 1456	92–603	281(a)(2), (g)	Amendment; effective date.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	1870(b)(1)(A), (B)	1454, 1456	92-603	281(a)(1)(A), (B), (g)	Part of existing text designated as (A); cl. (B) added.
14	49:620	271	1870(c)	1448	92-603	261(a), (b)	Amendment.
14	49:620	271	1870(c)	1455, 1456	92-603	281(b)(1), (2), (g)	Amendment; effective date.
14	49:620	271	1870(g)	1450	92-603	266	Addition.
14	49:620	271	1872	1419, 1420	92-603	242(a), (d)	Amendment; nonapplicability.
14	49:620	271	1874(c)	1457	92-603	289	Addition.
14	49:620	271	1875(a)	1373	92-603	201(c)(7)	Amendment.
14	49:620	271	1875(b)	1393	92-603	222(c)(1), (2)	Do.
14	49:620	271	1875(b)	1404	92-603	226(d)(1), (2), (f)	Do.
14	49:620	271	1875(b)	1423	92-603	244(d)	Do.
14	49:620	271	1876	1396, 1404	92-603	226(a), (f)	Addition.
14	49:620	271	1876	1453	92-603	278(b)(3)	Amendment.
14	49:620	271	1877	1419, 1420	92-603	242(b), (d)	Addition; nonapplicability.
14	49:620	271	1877(c)	1454	92-603	278(b)(8)	Amendment.
14	49:620	271	1878	1420–1422	92-603	243(a)–(c)	Addition; applicability.
14	49:620	271	1879	1384–1386	92-603	213(a), (b)	Addition.
14	49:620	271	1901–1910	1381	92-603	209(a), (b)(1)	Exception.
14	49:620	271	1901–1910	1390	92-603	222(a)(3)	Waiver.
14	49:620	271	1902(a)	1450, 1451	92-603	268(a), (c)	Amendment.
14	49:620	271	1902(a)	1454	92-603	278(b)(14)	Do.
14	49:620	271	1902(a)(9)	1416, 1418	92-603	239(a), (d)	Revision.
14	49:620	271	1902(a)(13)	1453	92-603	278(a)(18)	Amendment.
14	49:620	271	1902(a)(13)(D)	1389	92-603	221(c)(5), (d)	Do.
14	49:620	271	1902(a)(13)(D)	1410, 1411	92-603	232(a), (c)	Revision.
14	49:620	271	1902(a)(13)(E)	1426	92-603	249(a)(1), (2)	Addition.
14	49:620	271	1902(a)(14)	1381	92-603	208(a), (b)	Revision.
14	49:620	271	1902(a)(23)	1418	92-603	240	Amendment.
14	49:620	271	1902(a)(23)	1451	92-603	271A(a), (b)	Effective date of 1968 amendment.
14	49:620	271	1902(a)(26)	1453	92-603	278(a)(19)	Amendment.
14	49:620	271	1902(a)(26)(A)	1452	92-603	274(a)	Do.
14	49:620	271	1902(a)(28)	1424, 1425	92-603	246(a), (c)	Revision.
14	49:620	271	1902(a)(28)	1453	92-603	278(a)(20)	Amendment.
14	49:620	271	1902(a)(30)	1416	92-603	237(a)(2), (d)(2)	Do.
14	49:620	271	1902(a)(31)(A)	1460	92-603	298	Do.
14	49:620	271	1902(a)(32)	1415	92-603	236(b)(1)–(3), (c)	Addition.
14	49:620	271	1902(a)(33)	1417, 1418	92-603	239(b)(1)–(3), (d)	Do.
14	49:620	271	1902(a)(34)	1446	92-603	255(a)(1)–(3), (b)	Do.
14	49:620	271	1902(a)(35)	1460	92-603	299A(1)–(3)	Do.
14	49:620	271	1902(a)(37)	1462	92-603	299D(b)(1)–(3), (c)	Do.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1935							
Aug. 14	49:620	271	1902(d)	1410	92-603	231	Repeal.
14	49:620	271	1902(e)	1381	92-603	209(a)	Addition.
14	49:620	271	1902(f)	1381, 1382	92-603	209(b)(1), (2)	Do.
14	49:620	271	1903(a)-(i)	1396, 1457	92-603	225, 290	Exception.
14	49:620	271	1903(a)(1)	1380	92-603	207(a)(2), (b)	Amendment.
14	49:620	271	1903(a)(3), (4)	1414	92-603	235(a), (b)	Par. (3) redesignated as (4); new (3) added.
14	49:620	271	1903(a)(4), (5)	1428	92-603	249B	Par. (4) redesignated as (5); new (4) added; effective date.
14	49:620	271	1903(a)(5), (6)	1462	92-603	299E(a)	Par. (5) redesignated as (6); new (5) added.
14	49:620	271	1903(b)(1)	1459	92-603	295	Repeal.
14	49:620	271	1903(b)(3)	1389	92-603	221(c)(6), (d)	Addition.
14	49:620	271	1903(e)	1410	92-603	230	Repeal.
14	49:620	271	1903(g)	1379, 1380	92-603	207(a)(1), (2), (b)	Addition; applicability.
14	49:620	271	1903(g)	1453	92-603	278(b)(1)	Amendment.
14	49:620	271	1903(h)	1379, 1380	92-603	207(a)(1), (2), (b)	Addition; applicability.
14	49:620	271	1903(h)	1453	92-603	278(b)(1), (5)	Amendment.
14	49:620	271	1903(i)	1395	92-603	224(c)	Addition.
14	49:620	271	1903(i)	1410	92-603	229(c)	Amendment.
14	49:620	271	1903(i)(3)	1411, 1412	92-603	233(c), (f)	Addition.
14	49:620	271	1903(i)(4)	1415, 1416	92-603	237(a)(1), (d)(1)	Do.
14	49:620	271	1903(i)(4)	1454	92-603	278(b)(7)	Amendment.
14	49:620	271	1903(j)	1396	92-603	225	Addition.
14	49:620	271	1903(j)	1454	92-603	278(b)(16)	Amendment.
14	49:620	271	1903(j)	1457	92-603	290	Addition (relating to withholding of Federal payments under Medicaid).
14	49:620	271	1903(k)	1404	92-603	226(e), (f)	Addition.
14	49:620	271	1905(a)	1461	92-603	299B(c)	Amendment.
14	49:620	271	1905(a)(4)	1453	92-603	278(a)(21)	Do.
14	49:620	271	1905(a)(4)(C)	1462	92-603	299E(b)	Addition.
14	49:620	271	1905(a)(5)	1453, 1454	92-603	278(a)(22), 280	Amendment.
14	49:620	271	1905(a)(14)	1453	92-603	278(a)(23)	Do.
14	49:620	271	1905(a)(14)	1459, 1460	92-603	297(a), (b)	Revision.
14	49:620	271	1905(a)(15)-(17)	1460	92-603	299B(a)(1)-(4)	Pars. (15), (16) redesignated as (17), (15): new (16) added.
14	49:620	271	1905(c)	1464	92-603	299L(a)	Amendment.
14	49:620	271	1905(d)(3)	1460	92-603	299	Revision.
14	49:620	271	1905(e)	1384	92-603	212(a), (b)	Addition.
14	49:620	271	1905(f)	1425	92-603	247(b), (c)	Do.
14	49:620	271	1905(g)	1452	92-603	275(a), (b)	Do.
14	49:620	271	1905(h)	1461	92-603	299B(b)	Do.
14	49:620	271	1905(h)	1464	92-603	299L(b)	Addition (relating to skilled nursing facility).

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Provisions affected					Amendatory provisions			
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1935								
Aug.	14	49:620	271	1906	1457	92–603	287(a), (b)	Repeal.
	14	49:620	271	1908(d)	1451, 1452	92–603	269, 274(b)	Amendment.
	14	49:620	271	1908(g)(1)	1451	92–603	268(b), (c)	Do.
	14	49:620	271	1909	1419, 1420	92–603	242(c), (d)	Addition; nonapplicability.
	14	49:620	271	1909(c)	1454	92–603	278(b)(9)	Amendment.
	14	49:620	271	1910	1426, 1427	92–603	249A(a), (e)	Addition.
	14	49:620	271	1910	1454	92–603	278(b)(12)	Amendment.
	24	49:750	320	32	724, 725, 729, 730	92–433	1, 4(a), 9	Supplemental provision.
	27	49:939	Pub. Res. 64	----------	383	92–322	1	Extension.
	29	49:967	399	----------	766, 767	92–460	2(a), 5(a), (b)	Annuity increase; effective date; termination date.
1936								
May	20	49:1363	605	407(a), (b)	390	92–324	2, 4	Existing text designated as (a); subsec. (b) added.
June	2	49:1393	631	----------	1181	92–568	1	Name redesignation.
	2	49:1393	631	3	1182	92–568	2	Amendment.
	2	49:1393	631	4	1182	92–568	3(2)	Repeal.
	29	49:1985	835	----------	389	92–323	1(b)(B)	Exception.
	29	49:1985	835	501–511	1167	92–553	----------	Do.
	29	49:1985	835	509	528	92–374	----------	Amendment.
	29	49:1985	835	613(b)	389	92–323	1(a)(A)	Do.
	29	49:1985	835	613(b)(1)	389	92–323	1(a)(B)	Deletion; new par. (1) added.
	29	49:1985	835	613(b)(2)	389	92–323	1(a)(C)	Amendment.
	29	49:1985	835	613(d)(1)	389	92–323	1(b)(A)	Do.
	29	49:1985	835	613(d)(4)	389	92–323	1(b)(B)	Addition.
	29	49:1985	835	613(e)	389	92–323	1(c)	Amendment.
	29	49:1985	835	905(a)	617	92–402	2(1)–(3)	Do.
	29	49:1985	835	1101	909	92–507	1	Deletion; new sec. 1101 added.
	29	49:1985	835	1102	910	92–507	2(1)–(4)	Amendment.
	29	49:1985	835	1103–1112	910–917	92–507	3–7	Secs. 1103–1109, 1111, 1112 deleted; new secs. 1103–1106, 1108, 1109 added; 1110 redesignated as 1107; savings provision.
1937								
June	24	50:307	162	1	766, 767	92–460	2(a), 5(a), (b)	Annuity increase; effective date; termination date.
	24	50:307	162	1, "Sec. 2"	765, 767	92–460	1(b)(3), 5(a), (b)	Do.
	24	50:307	162	1, "Sec. 2(e)"	765, 767	92–460	1(b)(1)–(3), 5(a), (b)	Amendment; effective date; termination date.
	24	50:307	162	1, "Sec. 2(i)"	765, 767	92–460	1(c), 5(a), (b)	Do.

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Provisions affected					Amendatory provisions			
Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1937								
June	24	50:307	162	1, "Sec. 3(a)"	766, 767	92-460	2(c), 5(a), (b)	Annuity adjustment; effective date; termination date.
	24	50:307	162	1, "Sec. 3(a)(1)-(4)"	765, 767	92-460	1(a), 5(a), (b)	Annuity increase; effective date; termination date.
	24	50:307	162	1, "Sec. 3(a)(5)"	765, 767	92-460	1(a), (b)(1), 5(a), (b)	Addition; exception; effective date; termination date.
	24	50:307	162	1, "Sec. 3(e)"	765, 767	92-460	1(a), 5(a), (b)	Annuity increase; effective date; termination date.
	24	50:307	162	1, "Sec. 3(e)"	765-767	92-460	1(d)(1), (2), 5(a)	Amendment; effective dates. (See also 1935, P.L. 271, sec. 215(b)(2)(C)(ii).)
	24	50:307	162	1, "Sec. 5(a)-(o)"	766, 767	92-460	1(f), 5(a), (b)	Annuity increase; effective date; termination date.
	24	50:307	162	1, "Sec. 5(l)(1)"	766	92-460	1(e)	Amendment.
	24	50:307	162	1, "Sec. 5(p)"	766, 767	92-460	1(f), 5(a), (b)	Addition; effective date; termination date.
	24	50:307	162	1, "Sec. 6"	766, 767	92-460	2(a), 5(a), (b)	Pension increase; effective date; termination date.
	24	50:307	162	1, "Sec. 22"	1373	92-603	201(d)	Addition.
July	22	50:522	210	11(a)	661	92-419	116	Provision subsequent to repeal.
	22	50:522	210	32(c)	381	92-319	1	Exception.
	22	50:522	210	32(e)	669	92-419	301	Amendment.
Sept.	1	50:888	412	10(b)	906	92-503	3(2)	Do.
	1	50:888	412	10(c)	906	92-503	3(3)	Do.
	1	50:888	412	10(e)	906	92-503	3(1)	Do.
	2	50:917	415	3	1172	92-558	101(a), (c)	Do.
	2	50:917	415	4(b)	1172	92-558	101(b), (c)	Do.
	2	50:917	415	8(b)	1173	92-558	102(a), (b)	Do.
1938								
Feb.	16	52:31	430	316(c)	215	92-311	----------	Do.
	16	52:31	430	378(a)	499	92-354	----------	Do.
	16	52:31	430	507(a)	205	92-310	221(b)(1), (2)	Do.
	16	52:31	430	520	501	92-357	----------	Addition.
June	10	52:640	587	----------	531	92-380	1	(Revised. See 1958, P.L. 85-768.)
	20	52:797	684	16	1273	92-578	9(b)	Applicability.
	25	52:1040	717	----------	998	92-516	3(3)	Amendment.
	25	52:1040	717	301(p)	562	92-387	4(e), 5	Revision.
	25	52:1040	717	403(n)	1231-1233	92-573	30(a), (e)(2)-(4),34(2)	Transfer of functions; savings provision.
	25	52:1040	717	502(p)	1231-1233	92-573	30(a), (e)(2)-(4), 34(2)	Do.
	25	52:1040	717	503(b)(2)	1231-1233	92-573	30(a), (e)(2)-(4), 34(2)	Do.

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1938							
June 25	52:1040	717	505(e)(1)	562	92-387	4(d), 5	Amendment.
25	52:1040	717	510(e)	561, 562	92-387	4(a), 5	Do.
25	52:1040	717	510(f)	561, 562	92-387	4(b), 5	Do.
25	52:1040	717	510(i)	562	92-387	4(c), 5	Do.
25	52:1040	717	510(j)	560, 562	92-387	3, 5	Addition.
25	52:1040	717	602(f)	1231-1233	92-573	30(a), (e)(2)-(4), 34(2)	Transfer of functions; savings provision.
25	52:1060	718	3(r)(1)	375, 236	92-318	906(b)(2), 2(c)(1),(2)	Amendment.
25	52:1060	718	3(s)(4)	375, 236	92-318	906(b)(3), 2(c)(1),(2)	Do.
25	52:1060	718	13(a)	375, 236	92-318	906(b)(1), 2(c)(1),(2)	Do.
25	52:1060	718	13(f)	566, 572	92-392	1(a)	Applicability.
1940							
Mar. 4	54:39	422	----------	351, 352, 236	92-318	506(e)(1)-(3),(n), 2(c)(2)	Amendment.
June 8	54:250	567	1(a)-(c)	1064	92-535	1(1)-(4)	Existing text designated as (a) and amended; subsecs. (b), (c) added.
8	54:250	567	2	1065	92-535	2	Amendment.
8	54:250	567	3	1065	92-535	3	Revision.
8	54:250	567	4	1065	92-535	4	Amendment.
Aug. 22	54:789	768	18(a)(1)(A), (B)	1316	92-595	2(g)	Nonapplicability.
22	54:789	768	18(a)(2)	1316	92-595	2(g)	Do.
22	54:789	768	18(k)	1316	92-595	2(g)	Revision.
Sept. 18	54:898	785	322(a)-(c)	1163, 1164	92-550	1(a),(b)	Existing text designated as (a) and amended; subsecs. (b), (c) added.
Oct. 17	54:1178	861	101(1)	1098, 1099	92-540	504(1), 601(b)	Amendment.
17	54:1178	861	701	1098, 1099	92-540	504(2), 601(b)	Addition.
1941							
July 1	55:446	145	----------	1508	92-607	506(h)(1)	Partial repeal.
Dec. 29	55:875	389	2 (2), (3)	213	92-310	231(cc)	Cl. (2) deleted; (3) redesignated as (2).
1942							
June 8	56:330	600	----------	1510	92-607	----------	Applicability.
8	56:330	600	7	205	92-310	220(i)(1)-(3)	Amendment.
Dec. 24	56:1086	841	----------	213	92-310	231(dd)(1)-(3)	(Revised. See 1947, P.L. 318.)
24	56:1089	846	2, 3, 5	810	92-491	4(b)	Applicability.
1944							
July 1	58:682	410	----------	682	92-423	3(3)	Exception.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1944							
July 1	58:682	410	1	137	92–294	3(a)	Amendment.
1	58:682	410	217(a), (b)	687	92–423	7(a)(1), (2), 9	Do.
1	58:682	410	217(e)	85	92–255	502(a)	Addition.
1	58:682	410	221(a)(5)	713	92–425	5	Revision.
1	58:682	410	225	1293	92–585	5	Addition.
1	58:682	410	301(d)	687	92–423	7(b), 9	Amendment.
1	58:682	410	301(i)	687	92–423	7(b), 9	Do.
1	58:682	410	314(d)(2)(K)	77	92–255	403(a)	Do.
1	58:682	410	317	748–750	92–449	101, 102	Revision.
1	58:682	410	318	751	92–449	203	Addition.
1	58:682	410	329(a)	1290	92–585	2(a)	Revision.
1	58:682	410	329(b)	1290	92–585	2(b)	Do.
1	58:682	410	329(c)	1291	92–585	2(c)	Amendment.
1	58:682	410	329(d)(1), (2)	1291	92–585	2(d)(1)–(4)	Existing text designated as (1) and amended; par. (2) added.
1	58:682	410	329(f)(1)–(3)	1292	92–585	2(e)	Amendment.
1	58:682	410	329(g),(h)	1292	92–585	2(f), (g)	Subsec. (g) redesignated as (h) and amended; new (g) added.
1	58:682	410	329(i)	1292	92–585	2(h)	Addition.
1	58:682	410	341(a)	77	92–255	402(a)	Amendment.
1	58:682	410	341(c)	77	92–255	402(b)	Addition.
1	58:682	410	343(b)	136	92–293	3	Repeal.
1	58:682	410	405	683	92–423	3(3)	Exception.
1	58:682	410	411–419B	687	92–423	6(e), 9	Heading revised (pt. B).
1	58:682	410	411	686, 687	92–423	6(a), 9	Amendment.
1	58:682	410	412	686, 687	92–423	6(b)(1)–(3), (5), 9	Amendment; heading revised.
1	58:682	410	412(a)–(g), (1)–(7)	686, 687	92–423	6(b)(4), 9	Pars. (a)–(g) redesignated as pars. (1)–(7).
1	58:682	410	413–419A	680–685, 687	92–423	3(1)–(3), 9	Secs. 413, 414 redesignated as 419A, 418; new 413–417 added.
1	58:682	410	418(a)–(f)	686, 687	92–423	6(c)(1)–(5), 9	Existing text designated as subsec. (a); pars. (a)–(f) redesignated as pars. (1)–(6) of subsec. (a) and amended; subsec. (b) added.
1	58:682	410	419A(a)	686, 687	92–423	5(1), 6(d)(1), 9	Amendment.
1	58:682	410	419A(b)	687	92–423	6(d)(2), 9	Do.
1	58:682	410	419A(c)	686, 687	92–423	5(2), 9	Addition.
1	58:682	410	419B	685, 687	92–423	4, 9	Do.
1	58:682	410	431–434	163	92–305	1(b)(2)	Heading revised (pt. D).
1	58:682	410	431(a)	163	92–305	1(b)(1)	Amendment.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1944							
July 1	58:682	410	434	162	92-305	1(a)	Addition.
1	58:682	410	741(f)(1)(C)	1293	92-585	4	Amendment.
1	58:682	410	1001(c)	754	92-449	301	Do.
1	58:682	410 (title XI)	1101-1115	650-652	92-414	3, 4(1)	Heading revised; secs. 1101-1106 designated as pt. A; 1111-1115 (pt. B) added.
1	58:682	410	1101-1114	137-139	92-294	3(b), (c)	Secs. 1101-1114 (title XI) renumbered as secs. 1201-1214 (title XII); new secs. 1101-1106 (title XI) added.
1	58:682	410	1101(a)(3)	652	92-414	4(2)	Deletion.
1	58:682	410	1103	652	92-414	4(3)	Amendment.
1	58:682	410	1104	652	92-414	4(3)	Do.
1	58:682	410	1106	652	92-414	4(3)	Do.
1	58:682	410 (title XII)	1201-1214	137	92-294	3(b)	Former secs. 1101-1114 (title XI) renumbered as 1201-1214 (title XII).
Oct. 3	58:765	457	13(h)	504	92-362	2	Repeal.
Dec. 22	58:887	534	9	968-970	92-514	401, 403, 501, 504	Project reauthorization; supplemental provision.
1945							
Apr. 25	59:77	40	----------	1112	92-544	----------	Applicability.
Dec. 6	59:597	248	----------	902	92-500	12(o)	Do.
6	59:597	248	101	1274	92-578	15	Amendment.
6	59:597	248	104	50, 51, 54	92-242	----------	Exception.
6	59:597	248	104	448	92-342	----------	Do.
6	59:597	248	104	550	92-383	----------	Do.
6	59:597	248	104	587, 589	92-398	----------	Do.
6	59:597	248	104	600, 602	92-399	----------	Do.
6	59:597	248	104	1130, 1133	92-544	----------	Do.
1946							
Mar. 8	60:41	321	11	1167	92-553	----------	Do.
June 4	60:230	396	4	726	92-433	4(c)	Revision.
4	60:230	396	7	731	92-433	10	Amendment.
4	60:230	396	8	729	92-433	8	Do.
4	60:230	396	9(a)-(c)	726, 727	92-433	5(a)-(c)	Parts of existing text designated as (a)-(c); subsec. (b) revised; (c) amended.
4	60:230	396	10	726	92-433	4(d)	Amendment.
4	60:230	396	13(a)(1)	724	92-433	2(a)	Do.
4	60:230	396	13(a)(2)	724	92-433	2(b)	Do.
4	60:230	396	13(i)	724	92-433	1	Addition.

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Provisions affected					Amendatory provisions			
Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1946								
June	14	60:257	413	9	218, 222	92-313	3, 11	Transfer of funds.
July	1	60:386	479	----------	1508	92-607	506(h)(6)	Partial repeal.
	23	60:596	520	"Sec. 3"	132	92-283	1	Exception.
	23	60:596	520	"Sec. 3"	500	92-355	1	Do.
	23	60:596	520	"Sec. 3"	500	92-356	1	Do.
	31	60:718	570	----------	1510	92-607	----------	Applicability.
	31	60:718	570	1-14, 16(a)	1511, 1513	92-607	----------	Do.
Aug.	2	60:790	592	5(c), (d)	812	92-495	2	Addition.
	2	60:790	592	7(h)	812	92-495	3	Amendment.
	2	60:790	592	12	1020	92-520	3	Exception.
	2	60:806	600	16(a)	1323	92-598	7(2)	Exception. (See also 1914, P.L. 127, sec. 5.)
	7	60:875	624	5(b)(1)	1012, 1014, 1015	92-518	201(1), 204(a), (b)	Amendment; effective date; savings provision.
	7	60:875	624	5(d)	1013, 1015	92-518	201(2), 204(c)	Addition; effective date.
	7	60:875	624	8	1013, 1015	92-518	201(3)(A), (B) 204(d), (e)	Amendment; effective date.
	7	60:875	624	8	1013	92-518	202(a)(1)	Amendment.
	[1] 7	60:875	624	8	1014	92-518	203(b)	Amendment; exception.
	7	60:875	624	9(b)(1)	1013, 1015	92-518	201(4)(A), (B), 204(f)	Amendment.
	7	60:875	624	9(b)(3)	1013, 1015	92-518	201(4)(C), 204(f)	Do.
	7	60:875	624	9(c)(5)	1013, 1015	92-518	201(4)(D), 204(f)	Do.
	7	60:875	624	13	1013	92-518	202(a)(2)	Do.
	13	60:999	724	501(c)	492	92-352	107	Addition.
	13	60:999	724	1011	207	92-310	227(c)	Repeal.
	13	60:1049	726	2	115	92-265	1	Nonapplicability.
	13	60:1049	726	6	115	92-265	5	Amendment.
	13	60:1049	726	23	114	92-265	1	Delection; new sec. 23 added.
	13	60:1049	726	27(a), (b)	115	92-265	2, 3	Deletion; new subsecs. (a), (b) added.
	13	60:1049	726	28	115	92-265	4	Addition.
	14	60:1080	732	----------	806	92-487	----------	Applicability.
	14	60:1082	733	207	351, 352, 236	92-318	506(f), (n), 2(c)(2)	Amendment.
1947								
May	19	61:101	72	----------	213	92-310	231(ee)	Do.
June	23	61:136	101	101, "Sec. 11"	109	92-261	7	Applicability.
	25	61:163	104	----------	973-999	92-516	2, 4	Revision; savings provisions.
	25	61:163	104	2z(2)(i)	1231-1233	92-573	30(a), (e)(2)-(4), 34(2)	Transfer of functions; savings provision. (See 1972, P.L. 92-516.)
July	11	61:311	175	3	642	92-410	202(a), (c)	Amendment.
	11	61:311	175	4	642	92-410	202(b), (c)	Do.

[1] Referred to in text as Aug. 3, 1946.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1947							
July 16	61:328	195 (art. I, title XII)	11(c)(3)	455	92–344	10	Exception.
29	61:511	255	8(a), (b)	907	92–504	1(a), (b)	Existing text designated as (a); subsec. (b) added.
Aug. 1	61:717	318	----------	213	92–310	231(dd)(1)–(3)	Amendment.
1948							
Jan. 27	62:6	402	501	494	92–352	204	Do.
27	62:6	402	701	35	92–226	407(d)	Revision.
27	62:6	402	701	494	92–352	203	Amendment; nonapplicability.
27	62:6	402	703	114	92–264	----------	Addition.
27	62:6	402	703	403	92–334	101(b)	Exception.
27	62:6	402	703	577	92–394	----------	Revision.
27	62:6	402	804, 805	493	92–352	202	Addition.
28	62:15	403	3(a)	808	92–490	1(1), (2)	Amendment.
May 19	62:240	537	1(2)	723	92–432	----------	Do.
June 29	62:1070	806	10	206	92–310	224(b)(1), (2)	Do.
1949							
May 26	63:111	73	1	490	92–352	103(a)(1), (c)	Revision.
26	63:111	73	2(b)	490	92–352	103(a)(2), (c)	Repeal.
27	63:112	76	125	643	92–410	301(a)(1), (c)	Amendment.
27	63:112	76	125(2), (3)	643	92–410	301(a)(2), (c)	Do.
27	63:112	76	127(a)–(c)	643	92–410	301(a)(3)(A)–(C), (c)	Par. (a) amended; (c) repealed; (a), (b) redesignated as pars. (1), (2).
27	63:112	76	127(1), (2)	643	92–410	301(a)(3)(C), (c)	Pars. (a), (b) redesignated as pars. (1), (2).
27	63:112	76	212	643	92–410	301(b)(1), (c)	Amendment.
27	63:112	76	212(2), (3)	643	92–410	301(b)(2), (c)	Do.
27	63:112	76	603(a)	1015	92–518	302(a), (b)	Do.
June 30	63:350	149	4(i)	214	92–310	234(1), (2)	Do.
30	63:377	152	203(k)(3), (4)	503	92–362	1	Par. (3) redesignated as (4); new (3) added.
30	63:377	152	210(f)	218, 222	92–313	3, 11	Revision.
30	63:377	152	210(j), (k)	219, 222	92–313	4, 11	Addition.
30	63:377	152	302–305	1323	92–598	7(4)	Exception.
30	63:377	152	503(f)	1155	92–546	2	Repeal.
30	63:377	152	901–904	1278	92–582	----------	Addition.
July 15	63:413	171	103(b)	906	92–503	4	Amendment.
15	63:413	171	501(c)	664	92–419	119	Nonapplicability.
15	63:413	171	502(b)(3)	664	92–419	119	Do.
Oct. 13	63:842	353	----------	1011	92–518	103(9)	Applicability.
13	63:842	353	6	760	92–454	3	Partial repeal.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1949							
Oct. 19	63:883	361	1	675	92-419	602(a), (b)	Amendment.
26	63:909	392	1	134	92-288	3(b)	Repeal.
28	63:954	429	----------	1125	92-544	----------	(See 5 U.S.C. 5101 *et seq.*, table 5(a).)
31	63:1051	439	416	1492	92-603	411(g)	Amendment.
1950							
Apr. 19	64:44	474	9	1484	92-603	303(c)	Repeal.
May 10	64:149	507	3(a)(1)	528	92-372	8(1), (2)	Amendment.
10	64:149	507	3(b)	802	92-484	10(b)	Revision.
Aug. 1	64:384	630	31(d)(2)	1497	92-606	1(d), 2	Amendment.
15	64:447	693	1(h)	639, 641	92-410	113, 118	Do.
25	64:473	729	1	134	92-288	1	Revision.
25	64:473	729	2	134	92-288	2	Amendment.
Sept. 7	64:777	764	5	787	92-471	203(b)	Repeal.
8	64:798	774	303(b)	390	92-325	1	Amendment.
8	64:798	774	717(a)	390	92-325	2	Do.
12	64:832	784	203	1325	92-599	402	Addition.
21	64:897	803	----------	121	92-272	301(3), 302	Boundary revision.
23	64:987	831	303(c)	1318	92-596	7	Revision.
30	64:1100	874	5(a)(1), (2)	338, 236	92-318	411(c)(1), 2(c)(1), (2)	Existing text designated as (1); par. (2) added.
30	64:1100	874	103(a)(1)(A)	338, 236	92-318	411(b)(1), (2)(B), (3), 2(c)(2)	Amendment.
30	64:1100	874	103(a)(1)(C)	338, 236	92-318	411(b)(2)(A), (3), 2(c)(2)	Addition.
30	64:1100	874	103(a)(7)	352, 236	92-318	508, 2(c)(1), (2)	Amendment.
30	64:1100	874	141(c)(1)(C), (D)	352, 236	92-318	507(a), 2(c)(1), (2)	Cl. (C) redesignated as (D); new (C) added.
30	64:1100	874	141(c)(3)	352, 236	92-318	507(b), 2(c)(1), (2)	Amendment.
30	64:1100	874	301-307	334, 236	92-318	411(a), 2(c)(1), (2)	Secs. 301-303 redesignated as 401-403 (title IV); new 301-307 added (title III).
30	64:1100	874	401-403	334, 236	92-318	411(a), 2(c)(1), (2)	Former secs. 301-303 (title III) redesignated as 401-403 (title IV).
1951							
Jan. 6	64:1223	911	----------	1505	92-607	503	Amendment.
12	64:1245	920	201(e)	503	92-360	1(1)	Do.
12	64:1245	920	201(h)	503	92-360	1(1)	Do.
12	64:1245	920	205(h)	503	92-360	1(1)	Do.
12	64:1245	920	408	503	92-360	1(2)	Do.
1952							
Mar. 5	66:14	271	----------	1011	92-518	103(8)	Applicability.
June 27	66:163	414	301(b)	1289	92-584	1, 3	Revision; savings provision.
27	66:163	414	301(d)	1289	92-584	3	Addition.

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Provisions affected					Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1953							
June 20	67:72	74	301 (a)–(d)	640, 641	92–410	114(1)–(3), 118	Existing text designated as (a) and amended; subsecs. (b)–(d) added.
26	67:83	83	1, "Sec. 3(b)(1), (2)"	351, 352, 236	92–318	506(g), (n), 2(c)(2)	Existing text designated as (1); par. (2) added.
26	67:83	83	1, "Sec. 10"	351, 352, 236	92–318	506(h), (n), 2(c)(2)	Amendment.
30	67:111	88	----------	1231–1233	92–573	30(b), (e)(2)–(4), 34(2)	Transfer of functions; savings provision.
30	67:111	88	13	1108	92–542	----------	Amendment.
July 31	67:296	174	----------	213	92–310	231(ff)(1)–(3)	Do.
1954							
May 13	68:92	358	4(a)(7)	214	92–310	232(1), (2)	Do.
June 4	68:175	388	1	213	92–310	231(gg)	Do.
July 22	68:497	517	6(b)	563	92–389	----------	Do.
26	68:533	531	2(a)(1)	333	92–318	303(a)(1)	Revision.
26	68:533	531	2(a)(3), (b), (c)	333	92–318	303(a)(1)	Deletion.
26	68:533	531	3	333	92–318	303(a)(2)	Deletion; new sec. 3 added.
Aug. 2	68:590	560	701(b)	405	92–335	4	Amendment.
4	68:666	566	1	667	92–419	201(a)	Do.
4	68:666	566	2(3)	667	92–419	201(b)	Addition.
4	68:666	566	3(6)	667	92–419	201(c)	Do.
4	68:666	566	4(1)	668	92–419	201(d)	Amendment.
4	68:666	566	4(2)(A)	668	92–419	201(e)	Do.
4	68:666	566	4(2)(B)	668	92–419	201(f)	Partial revision.
4	68:666	566	5(4)	669	92–419	201(g)	Revision.
12	68:698	579	3	786	92–471	108(a)	Do.
12	68:698	579	4(d)	787	92–471	108(b)	Amendment.
12	68:698	579	5	787	92–471	108(c)	Repeal.
12	68:698	579	7	784	92–471	101	Sec. 7 redesignated as 8; new 7 added.
12	68:698	579	8	784	92–471	101	Former sec. 7 redesignated as 8.
12	68:698	579	8(a)–(d)	784	92–471	102(1), (2)	Former sec. 8(a)–(d) redesignated as 9(b)–(e).
12	68:698	579	9	784	92–471	103	Former sec. 9 redesignated as 9(f).
12	68:698	579	9(a)–(e)	784	92–471	102(1), (2), (4)	Former sec. 8(a)–(d) redesignated as 9(b)–(e); subsec. (a) added.
12	68:698	579	9(b)	786	92–471	107(a)	Amendment.
12	68:698	579	9(c)–(e)	784	92–471	102(3)	Do.
12	68:698	579	9(c)	786	92–471	107(b)	Do.
12	68:698	579	9(e)	786	92–471	107(b)	Do.
12	68:698	579	9(f)	784	92–471	103	Former sec. 9 redesignated as 9(f).
12	68:698	579	9(f)	786	92–471	107(c)	Amendment.
12	68:698	579	10(a)–(g)	784, 785	92–471	104(1), (3), (4)	Subsecs. (a)–(e) redesignated as (b)–(f); new (a), (g) added.
12	68:698	579	10(c)	784	92–471	104(2)	Amendment.
12	68:698	579	11(a)–(c)	785	92–471	105(1)–(3)	Do.

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Provisions affected					Amendatory provisions			
Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1954								
Aug.	12	68:698	579	11(d)	785	92–471	105(4)	Revision.
	12	68:698	579	12	785	92–471	106	Do.
	12	68:698	579	13(a)(1)	787	92–471	108(d)	Amendment.
	12	68:698	579	13(b)	786	92–471	107(c)	Do.
	21	68:757	612	----------	968	92–514	401	Project reauthorization. (See also 1944, P.L. 534, sec. 9.)
	27	68:883	680	2(b)	1182, 1183	92–569	1, 6	Amendment.
	27	68:883	680	3(a), (b)	1182, 1183	92–569	2, 6	Existing text designated as (a) and amended; subsec. (b) added.
	27	68:883	680	5	1182, 1183	92–569	3, 6	Revision.
	27	68:883	680	7(c)	1183	92–569	4, 6	Amendment.
	27	68:883	680	7(e)	1313	92–594	1	Revision.
	27	68:883	680	7(f)(1)	1313	92–594	2	Do.
	27	68:883	680	9	1183	92–569	5, 6	Addition.
	30	68:919	703	1, "Sec. 161w"	227	92–314	301	Do.
	30	68:919	703	1, "Sec. 192"	191	92–307	----------	Do.
1955								
June	29	69:190	107	3	401	92–333	----------	Amendment.
July	4	69:244	130	----------	804	92–487	----------	Revision.
	15	69:324	161	515	1149	92–545	506(1), (2)	Amendment.
	28	69:385	185	2	389	92–322	2(b)	Repeal.
Aug.	5	69:521	243	----------	1011	92–518	103(5)(B)	Exception.
	5	69:521	243	1	131	92–281	1(a)	Do.
	5	69:521	243	1	1005, 1009, 1010, 1012	92–518	102(a), 103(2), 105	Revision; supplemental provision.
	5	69:521	243	1	1008	92–518	102(c)(1)(A)	Compensation increase; effective date.
	5	69:521	243	2(a)	1009, 1012	92–518	103(1)(A), 105	Amendment.
	5	69:521	243	2(a)	1009, 1012	92–518	103(1)(B), 105	Partial repeal.
	5	69:521	243	4	1009, 1012	92–518	103(2), 105	Revision.
	5	69:521	243	5(c)	1010, 1012	92–518	103(3), 105	Amendment.
	5	69:521	243	7(a)(1)	1010–1012, 1014	92–518	103(4)(A)–(C), 105, 203(a)	Amendment; exception.
	5	69:521	243	7(d)	1014	92–518	203(a)	Addition.
	5	69:521	243	10(a)	1011	92–518	103(5)(B)	Exception.
	5	69:521	243	10(a)(1)	1011, 1012	92–518	103(5)(A), 105	Amendment.
	5	69:521	243	10(c)	1011, 1012	92–518	103(5)(B), 105	Addition.
	5	69:521	243	13(a)	1008, 1012	92–518	102(b), 105	Schedule revised.
	5	69:521	243	13(a)	1008	92–518	102(c)(2)	Compensation increase; effective date.
	5	69:521	243	13(d)(2)	1011, 1012	92–518	103(6)(A), (B), 105	Amendment.

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Provisions affected					Amendatory provisions			
Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1955								
Aug.	5	69:521	243	14	1011, 1012	92–518	103(7), 105	Revision.
	5	69:521	243	15	1011, 1012	92–518	103(8), 105	Do.
	5	69:521	243	16	1011, 1012	92–518	103(9), 105	Do.
	5	69:521	243	19	1013	92–518	202(b)	Amendment.
	5	69:521	243	22	760	92–454	3	Repeal. (See 1949, P.L. 353, sec. 6.)
	9	69:539	255	1	723	92–431	----------	Amendment.
	9	69:539	255	1	788	92–472	7	Do.
	9	69:539	255	1	806	92–488	4	Do.
	11	69:671	352	1, "Sec. 1"	351, 352, 236	92–318	506(k), (n), 2(c)(2)	Do.
	11	69:671	352	1, "Sec. 3(b)(1), (2)"	351, 352, 236	92–318	506(l), (n), 2(c)(2)	Existing text designated as (1); par. (2) added.
	11	69:694	372	3, 4	401	92–332	1(a), (b)	Sec. 3 redesignated as 4 and revised; new 3 added.
1956								
Apr.	2	70:86	464	4	120	92–272	201(2)	Amendment.
	11	70:105	485	12	525	92–370	----------	Authorization increase.
June	4	70:242	557	5	787	92–471	203(a)	Repeal.
	27	70:356	624	105(n)	205	92–310	220(j)	Do.
July	9	70:498	660	1	816–897	92–500	2, 4	Revised; replaced by new "secs. 101–518"; savings provision.
	9	70:498	660	1, "Sec. 5(n)"	47	92–240	1	Amendment.
	9	70:498	660	1, "Sec. 7(a)"	47	92–240	2	Do.
	9	70:498	660	1, "Sec. 8(d)"	48	92–240	3	Do.
	11	70:523	689	2	34	92–226	405	Do.
	24	70:598	757	----------	1001	92–517	102(b)	Franchise cancellation.
	27	70:678	814	----------	1302	92–589	3(m)	Applicability.
Aug.	1	70:793	872	2	764	92–459	1	Exception.
	1	70:807	880	104(i)(2)(A)(i), (B)	1357	92–603	125(b)	Repeal.
	1	70:890	885	13	35	92–226	407(c)	Partial repeal.
	1	70:890	885	15	35	92–226	407(b)	Revision.
	1	70:890	885	15(a)	490	92–352	102	Amendment; nonapplicability.
	2	70:953	930	----------	1231–1233	92–573	30(c), (e)(2)–(4), 34(2)	Transfer of functions; savings provision.
	8	70:1119	1024	13(d)–(f)	905	92–502	----------	Addition.
	10	70A:1	1028	3(a)(4)	713	92–425	5	Revision.
1957								
June	13	71:81	85–53	1(2)	205	92–310	220(k)	Repeal.
	21	71:176	85–58	----------	1508	92–607	506(i)	Amendment.
Aug.	30	71:531	85–241	407	1150	92–545	508(c)	Repeal.
Sept.	7	71:629	85–307	4(d)	1170	92–556	1(1)	Amendment.
	7	71:629	85–307	8	1170	92–556	1(2)	Do.
	9	71:634	85–315	102(j)	813	92–496	1	Do.
	9	71:634	85–315	103(a)	813	92–496	2	Do.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1957							
Sept. 9	71:634	85–315	104(a)(1)–(4)	813	92–496	3	Amendment.
9	71:634	85–315	104(b)	814	92–496	4	Do.
9	71:634	85–315	105(a)	814	92–496	5	Do.
9	71:634	85–315	106	814	92–496	6	Revision.
11	71:639	85–316	16	1289	92–584	2	Repeal.
1958							
Mar. 4	72:30	85–338	1(a)	1018	92–519	8(a)	Designation "(a)" deleted.
4	72:30	85–338	1(b)–(d)	1018	92–519	8(d)	Deletion.
4	72:30	85–338	1(2), (3)	1018	92–519	8(b), (c)	Amendment.
4	72:30	85–338	2	1018	92–519	8(d)	Deletion.
June 6	72:183	85–451	1(b)(3)	466	92–349	201(b)(1), (2)	Amendment.
6	72:183	85–451	1(b)(5)	1002	92–517	201(b)	Addition.
July 7	72:325	85–506	2(h)	502	92–359	----------	Amendment.
18	72:384	85–536	2, "Sec. 4(c)(1)"	556	92–385	2(b)(1)	Do.
18	72:384	85–536	2, "Sec. 4(c)(1)"	1316	92–595	3(a)	Do.
18	72:384	85–536	2, "Sec. 4(c)(1)(A)"	899	92–500	8(b)	Do.
18	72:384	85–536	2, "Sec. 4(c)(2)"	1316	92–595	3(a)	Do.
18	72:384	85–536	2, "Sec. 4(c)(2)(A)"	556	92–385	2(b)(2)	Do.
18	72:384	85–536	2, "Sec. 4(c)(4)"	382	92–320	1(1)–(3)	Do.
18	72:384	85–536	2, "Sec. 4(c)(4)"	1316	92–595	3(a)	Do.
18	72:384	85–536	2, "Sec. 5(a)"	206	92–310	224(a)	Do.
18	72:384	85–536	2, "Sec. 7(b)"	554, 555	92–385	1(a), (b)	Do.
18	72:384	85–536	2, "Sec. 7(b)(7)"	555	92–385	2(a)(1), (2)	Addition.
18	72:384	85–536	2, "Sec. 7(c)(1)"	554	92–385	1(a)	Nonapplicability.
18	72:384	85–536	2, "Sec. 7(g)"	898	92–500	8(a)	Addition.
18	72:384	85–536	2, "Sec. 7(g)"	1316	92–595	3(b)	Addition (relating to loans to handicapped persons and organizations for the handicapped).
31	72:439	85–570	----------	1504	92–607	502	Amendment.
31	72:439	85–570	----------	1507	92–607	506(f)(2)	Exception.
31	72:439	85–570	----------	1508	92–607	506(h)(2)	Partial repeal.
Aug. 1	72:480	85–584	----------	639	92–410	110	Exceptions.
1	72:480	85–584	101	634, 641	92–410	101, 118	Schedule revised.
1	72:480	85–584	101(a), (b)	634, 641	92–410	102, 118	Existing text designated as (a) and amended; subsec. (b) added.
1	72:480	85–584	201–203	634, 636, 641	92–410	103–105(a), 118	Revision.
1	72:480	85–584	204	636, 641	92–410	105(b), 118	Repeal.

TABLE 1.—*General Legislation*—Continued

Provisions affected					Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1958							
Aug. 1	72:480	85–584	302–304	636–638, 641	92–410	106–108, 118	Revision.
1	72:480	85–584	305	638, 641	92–410	109(1), (2), 118	Amendment.
1	72:480	85–584	401	638, 641	92–410	110, 118	Revision.
1	72:480	85–584	501	639, 641	92–410	111(1), (2), 118	Amendment.
21	72:689	85–699	----------	1314	92–595	2(b)	Exception.
21	72:689	85–699	103(3)	1314	92–595	2(a)	Amendment.
21	72:689	85–699	103(7)	1314	92–595	2(a)	Do.
21	72:689	85–699	301(d)	1314	92–595	2(b)	Addition.
21	72:689	85–699	303(b)	1316	92–595	2(g)	Exception.
21	72:689	85–699	303(b)(1)	1314	92–595	2(c)(1), (2)	Amendment.
21	72:689	85–699	303(b)(2)	1314	92–595	2(c)(3)	Revision.
21	72:689	85–699	303(c)	1314, 1316	92–595	2(d), (g)	Addition; supplemental provision.
21	72:689	85–699	304(a)	1316	92–595	2(e)	Amendment.
21	72:689	85–699	306(a)	1316	92–595	2(f)(1)	Do.
21	72:689	85–699	306(b)	1316	92–595	2(f)(2)	Repeal.
21	72:689	85–699	317	1316	92–595	2(g)	Addition; supplemental provision.
21	72:689	85–699	318	1316	92–595	2(g)	Addition.
21	72:689	85–699	319	1316	92–595	2(g)	Addition. (See 1940, P.L. 768, sec. 18(k).)
23	72:731	85–726	404(a)(1), (2)	95	92–259	1	Existing text designated as (1); par. (2) added.
23	72:731	85–726	611	1236	92–574	4(c)(2)	Applicability.
23	72:731	85–726	611	1239–1241	92–574	7(b), (c)	Revision; savings provision.
23	72:731	85–726	801(a), (b)	96	92–259	2	Existing text designated as (a); subsec. (b) added.
23	72:731	85–726	1002(j)	96–99	92–259	3(a), (b)	Addition.
27	72:921	85–768	----------	531	92–380	1	Amendment.
Sept. 2	72:1105	85–857	10	393, 398	92–328	101(b), 301(a)	Rate adjustment authority.
2	72:1580	85–864	201–209	280	92–318	137(d)(1)	Continuation provision; transfer of functions.
2	72:1580	85–864	201	272, 236	92–318	137(a)(1), (2), 2(c)(3)	Amendment.
2	72:1580	85–864	206	280, 236	92–318	137(d)(2), 2(c)(1), (2)	Deletion.
2	72:1580	85–864	301	345, 346, 236	92–318	502(a), (b), 2(c)(1), (2)	Amendment.
2	72:1580	85–864	601	311, 236	92–318	182(a), 2(c)(1), (2)	Revision.
2	72:1580	85–864	603	312, 236	92–318	182(b), 2(c)(1), (2)	Amendment.
2	72:1606	85–866	97	1276	92–580	3	Amendment. (See also I.R.C. 1954, sec. 162, table 4.)
2	72:1698	85–874	6(e)	222	92–313	10, 11	Addition.
2	72:1698	85–874	8(a), (b)	222	92–313	9, 11	Existing text designated as (a); subsec. (b) added.

TABLE 1.—*General Legislation*—Continued

Provisions affected					Amendatory provisions			
Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1959								
Aug.	7	73:299	86–147	19–22	59, 60	92–246	1, 2	Addition.
	10	73:302	86–149	412(d)	736	92–436	302	Revision.
	10	73:302	86–149	412(e)(1)	739	92–436	604	Addition.
Sept.	1	73:446	86–216	----------	810	92–491	5	Repeal.
	9	73:479	86–249	----------	484	92–351	2	Applicability.
	9	73:479	86–249	4(b)	216, 222	92–313	2(1), 11	Amendment.
	9	73:479	86–249	7	217, 222	92–313	2(4), 11	Revision.
	9	73:479	86–249	7(b)	220	92–313	5(e)	Applicability.
	9	73:479	86–249	12(a)	216, 222	92–313	2(2), 11	Amendment.
	9	73:479	86–249	12(c)	217, 222	92–313	2(3), 11	Do.
	9	73:479	86–249	18	1019	92–520	3, 41(a)	Addition.
	22	73:628	86–354	[1] 1, "Sec. 107(8)(E)"	270, 236	92–318	133(c)(4), 2(c)(1), (2)	Amendment.
1960								
Apr.	8	74:17	86–412	1	455	92–344	11	Supplemental provisions.
June	30	74:293	86–565	11–13	60, 61	92–247	1, 2	Addition.
July	12	74:372	86–613	----------	998	92–516	3(1)	Amendment.
	12	74:372	86–613	----------	1231–1233	92–573	30(a), (e)(2)–(4), 34(2)	Transfer of functions; savings provision.
	12	74:381	86–614	1(a)	918	92–511	1(1)	Amendment.
	12	74:381	86–614	1(b)	918	92–511	1(2)	Do.
Sept.	8	74:868	86–734	2	640, 641	92–410	115(a), 118	Repeal.
	8	74:875	86–738	3	120	92–272	101(5)	Amendment.
	13	74:924	86–778	303(g)(1)	1341	92–603	104(h)(1), (2), (j)(1)	Do.
	15	74:1031	86–794	1	1000	92–517	101(a)(1), (2)	Compact amended.
1961								
May	27	75:88	87–44	5	120	92–272	101(4)	Amendment.
June	30	75:149	87–70	708	405	92–335	5	Do.
July	6	75:199	87–82	4	435	92–342	----------	Do.
Aug.	8	75:294	87–128	301(a)	657	92–419	101	Revision.
	8	75:294	87–128	302(2), (3)	658	92–419	102(2)	Exception.
	8	75:294	87–128	304(a), (b)	657, 658	92–419	102(1), (2)	Cl. designations "(a), (b)" deleted; existing text designated as (a) and amended; subsec. (b) added.
	8	75:294	87–128	304(b)	664	92–419	118(a)	Restrictions.
	8	75:294	87–128	305	658	92–419	103	Amendment.
	8	75:294	87–128	306(a)(1)	658	92–419	104(1), (2)	Do.
	8	75:294	87–128	306(a)(1)	661, 663	92–419	115(b), 117	Applicability.
	8	75:294	87–128	306(a)(2)	658	92–419	105	Amendment.
	8	75:294	87–128	306(a)(3)	658	92–419	106	Partial revision.
	8	75:294	87–128	306(a)(3)	659	92–419	107	Amendment.
	8	75:294	87–128	306(a)(5)	659	92–419	110	Deletion.
	8	75:294	87–128	306(a)(6)	659	92–419	108(a)(1)–(3)	Amendment.
	8	75:294	87–128	306(a)(7)	659	92–419	109	Revision.

[1] Referred to in text as "Sec. 8(8)(E)."

TABLE 1.—*General Legislation*—Continued

Provisions affected					Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1961							
Aug. 8	75:294	87–128	306(a)(11)	659	92–419	111	Addition.
8	75:294	87–128	306(a)(12)	659	92–419	112	Do.
8	75:294	87–128	307	661, 663, 665	92–419	115(b), 117, 123	Applicability.
8	75:294	87–128	307(a)	660	92–419	113, 114	Amendment.
8	75:294	87–128	307(b)	666	92–419	128(b)	Do.
8	75:294	87–128	308	603	92–399	----------	Applicability.
8	75:294	87–128	308	661, 663, 665	92–419	115(b), 116, 117, 123	Do.
8	75:294	87–128	309	603	92–399	----------	Do.
8	75:294	87–128	309	661	92–419	115(b)	Supplemental provision.
8	75:294	87–128	309	661, 663, 665	92–419	115(b), 117, 123	Applicability.
8	75:294	87–128	309(a)	661	92–419	116	Supplemental provision. (See 1937, P.L. 210, sec. 11(a).)
8	75:294	87–128	309(f)(1)	660	92–419	115(a)(1)	Amendment.
8	75:294	87–128	309(f)(2)	660	92–419	115(a)(2)(A)–(C)	Do.
8	75:294	87–128	309(f)(5)	660	92–419	115(a)(3), (4)	Do.
8	75:294	87–128	309(g), (h)	661	92–419	115(b)	Addition.
8	75:294	87–128	309A	661	92–419	116	Do.
8	75:294	87–128	310A–310C	663, 664	92–419	117, 118(a), 119	Do.
8	75:294	87–128	311(a), (b)	665	92–419	120(a)(1), (2)	Existing text designated as (a); subsec. (b) added.
8	75:294	87–128	311(a)(2), (3)	665	92–419	120(a)(2), 121(3)	Exception.
8	75:294	87–128	312	665	92–419	120(b)	Amendment.
8	75:294	87–128	312(a)(9), (10), (b)–(d)	665	92–419	121(1)–(3)	Existing text designated as (a); cl. (9) deleted; new (9), (10) added; subsecs. (b)–(d) added.
8	75:294	87–128	312(b)	664	92–419	118(a)	Restrictions.
8	75:294	87–128	313	665	92–419	122	Amendment.
8	75:294	87–128	317	665	92–419	123	Addition.
8	75:294	87–128	326	661	92–419	115(b)	Supplemental provision. (See 1933, P.L. 75, sec. 84.)
8	75:294	87–128	328	557	92–385	5	Addition (relating to disaster loans, fiscal years 1972, 1973).
8	75:294	87–128	331(a)	665	92–419	124(1)	Amendment.
8	75:294	87–128	331(g)–(i)	666	92–419	124(2)	Addition.
8	75:294	87–128	333(a)	663	92–419	118	Exception.
8	75:294	87–128	333(a)	666	92–419	125	Amendment.
8	75:294	87–128	333(b)	664, 666	92–419	118(b), 126	Do.
8	75:294	87–128	333(c)	663	92–419	118	Exception.
8	75:294	87–128	335(c)	666	92–419	127(1)–(4)	Amendment.
8	75:294	87–128	338(c)	661	92–419	115(b)	Transfer of funds.
8	75:294	87–128	343(4), (5)	666	92–419	128(a)	Addition.
8	75:294	87–128	344	666	92–419	129	Do.

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Provisions affected					Amendatory provisions			
Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1961								
Sept.	4	75:424	87–195	----------	23	92–226	106	Exception.
	4	75:424	87–195	----------	27	92–226	301	Limitation; waiver.
	4	75:424	87–195	----------	27, 29	92–226	301, 304(b)	Restriction.
	4	75:424	87–195	101–471	21	92–226	101(c)(2)	Transfer of funds.
	4	75:424	87–195	202(a)	21	92–226	101(a)	Amendment.
	4	75:424	87–195	203	21	92–226	101(b)	Do.
	4	75:424	87–195	205	21	92–226	101(d)	Repeal.
	4	75:424	87–195	209(a)	21	92–226	101(c)(1)	Deletion; new subsec. (a) added.
	4	75:424	87–195	209(b)	21	92–226	101(c)(3)	Heading deleted.
	4	75:424	87–195	209(c), (d)	21	92–226	101(c)(2)	Addition.
	4	75:424	87–195	212	22	92–226	102(a)	Amendment.
	4	75:424	87–195	214(c)	22	92–226	102(b)	Do.
	4	75:424	87–195	220A	22	92–226	102(c)	Addition.
	4	75:424	87–195	221	22	92–226	103(a), (b)	Amendment; expiration date, extension.
	4	75:424	87–195	222	22	92–226	103(b)	Expiration date, extension.
	4	75:424	87–195	223(i)	22	92–226	103(b)	Amendment. (See also 1961, P.L. 87–195, secs. 221, 222.)
	4	75:424	87–195	238(c)	22	92–226	104(a)	Amendment.
	4	75:424	87–195	239(d)	207	92–310	227(d)	Do.
	4	75:424	87–195	239(g)	22	92–226	104(b)	Addition.
	4	75:424	87–195	240	22	92–226	104(c)	Expiration date, extension.
	4	75:424	87–195	240(h)	22	92–226	104(c)	Amendment.
	4	75:424	87–195	252(a)	23	92–226	105	Do.
	4	75:424	87–195	292	23	92–226	106	Revision.
	4	75:424	87–195	302(a)	23	92–226	107(a)	Amendment.
	4	75:424	87–195	302(b)(2)	23	92–226	107(b)	Do.
	4	75:424	87–195	302(e)	23	92–226	107(c)	Do.
	4	75:424	87–195	302(f)	23	92–226	107(d)	Addition.
	4	75:424	87–195	401–403	27	92–226	202(b)	Repeal (pt. I, ch. 4).
	4	75:424	87–195	451(a)	24	92–226	108	Amendment.
	4	75:424	87–195	481	24	92–226	109	Addition (pt. I, ch. 8).
	4	75:424	87–195	481, 482	496	92–352	503	Sec. 481 deleted; new 481, 482 added.
	4	75:424	87–195	491	24	92–226	109	Addition (pt. I, ch. 9).
	4	75:424	87–195	504(a)	25	92–226	201(a)	Amendment.
	4	75:424	87–195	505(b)(2)	25	92–226	201(b)	Do.
	4	75:424	87–195	505(e)	25	92–226	201(c)	Repeal.
	4	75:424	87–195	506(a)	25	92–226	201(d)	Amendment.
	4	75:424	87–195	506(a)	28	92–226	304(a)(1)	Limitation.
	4	75:424	87–195	506(a)	28	92–226	304(a)(2)	Partial repeal.
	4	75:424	87–195	507(a)	25	92–226	201(e)	Revision.
	4	75:424	87–195	511–514	25, 26	92–226	201(f)	Addition.
	4	75:424	87–195	531–533	26, 27	92–226	202(a)	Addition (pt. II, ch. 4).
	4	75:424	87–195	610(a)	23, 28	92–226	107(b)(2), 304(a)(1)	Limitation.
	4	75:424	87–195	614(a)	23, 28	92–226	107(b)(2), 304(a)(1)	Do.
	4	75:424	87–195	614(a)	29	92–226	304(b)	Exception.
	4	75:424	87–195	620(v), (w)	27	92–226	301	Addition.
	4	75:424	87–195	624(e)	28	92–226	302	Do.
	4	75:424	87–195	634(a)	32	92–226	304(c)(2), (3)	Repeal.

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Provisions affected				Amendatory provisions			
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1961							
Sept. 4	75:424	87-195	634(d)	28	92-226	304(a)(3)	Amendment.
4	75:424	87-195	637(a)	28	92-226	303	Do.
4	75:424	87-195	644(m)	32	92-226	304(c)(1), (3)	Do.
4	75:424	87-195	652	28	92-226	304(a)(1)	Revision.
4	75:424	87-195	653-658	28-32	92-226	304(b), (c)(3)	Addition.
4	75:424	87-195	655(c)	403	92-334	101(b)	Exception.
4	75:424	87-195	655(c)	1204	92-571	1(b)	Do.
21	75:527	87-256	105(f)	1120	92-544	----------	Applicability.
21	75:527	87-256	108(c)	1120	92-544	----------	Do.
22	75:612	87-293	3(b)	495	92-352	401	Amendment.
22	75:612	87-293	12	495	92-352	403	Repeal.
22	75:612	87-293	301(b)(2)	495	92-352	402	Amendment.
26	75:631	87-297	49(a)	494	92-352	301	Do.
Oct. 4	75:780	87-362	4	1063	92-533	----------	Do.
1962							
Feb. 19	76:9	87-407	4	120	92-272	101(6)	Do.
Mar. 15	76:23	87-415	310	124	92-277	1(a), (b)	Do.
July 31	76:249	87-563	3	742	92-440	1	Do.
Sept. 19	76:555	87-668	----------	1181	92-566	----------	Copyright terms, extension.
28	76:653	87-714	2	1063	92-534	----------	Revision.
Oct. 10	76:806	87-788	4	351, 352, 236	92-318	506(i), (n), 2(c)(2)	Amendment.
10	76:806	87-788	8	351, 352, 236	92-318	506(j), (n), 2(c)(2)	Do.
15	76:914	87-807	5(b)	455	92-344	12	Exception.
24	76:1239	87-882	2	640, 641	92-410	115(b), 118	Repeal.
1963							
May 17	77:18	88-24	5	120	92-272	101(2)	Amendment.
Oct. 31	77:282	88-164	204(c)	77	92-255	403(b)	Addition.
31	77:282	88-164	221(c)	76	92-255	401(a)	Do.
31	77:282	88-164	251(a)	76	92-255	401(b)(1)-(3)	Amendment.
31	77:282	88-164	251(b)	76	92-255	401(b)(4)	Do.
31	77:282	88-164	256(e)	76, 77	92-255	401(c)	Do.
31	77:282	88-164	266	85	92-255	502(b)	Do.
Nov. 7	77:307	88-174	507	1149	92-545	507(1), (2)	Do.
Dec. 16	77:363	88-204	----------	303	92-318	161(b)(1)	Continuation provision.
16	77:363	88-204	101-111	303, 236	92-318	161(b)(2), 2(c)(2)	Deletion.
16	77:363	88-204	201-202	303, 236	92-318	161(b)(2), 2(c)(2)	Do.
16	77:363	88-204	305	303	92-318	161(b)(4)	Continuation provision; transfer of funds.
16	77:363	88-204	306	303, 236	92-318	161(b)(3), 2(c)(2)	Deletion.
18	77:403	88-210	102(b)	325, 236	92-318	201, 2(c)(1), (2)	Amendment.
18	77:403	88-210	104(a)(2)	353, 236	92-318	509(b)(1), 2(c)(1), (2)	Do.
18	77:403	88-210	104(a)(4)	326, 236	92-318	209, 2(c)(1), (2)	Do.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1963							
Dec. 18	77:403	88–210	104(c), (d)	353, 236	92–318	509(b)(2), 2(c)(1), (2)	Subsec. (c) redesignated as (d); new (c) added.
18	77:403	88–210	108(1)	325, 236	92–318	202(a), (b), 2(c)(1), (2)	Amendment.
18	77:403	88–210	142(a)	325, 236	92–318	203, 2(c)(1), (2)	Do.
18	77:403	88–210	151(b)	326, 236	92–318	204(a), 2(c)(1), (2)	Do.
18	77:403	88–210	152(a)(1)	326, 236	92–318	204(b), 2(c)(1), (2)	Do.
18	77:403	88–210	153(d)(2)	326, 236	92–318	204(c), 2(c)(1), (2)	Do.
18	77:403	88–210	161(a)(1)	326, 236	92–318	205(a), 2(c)(1), (2)	Do.
18	77:403	88–210	161(c)	326, 236	92–318	205(b), 2(c)(1), (2)	Do.
18	77:403	88–210	172(a)	326, 236	92–318	206, 2(c)(1), (2)	Do.
18	77:403	88–210	181(a)	326, 236	92–318	207, 2(c)(1), (2)	Do.
18	77:403	88–210	191(b)	326, 236	92–318	208, 2(c)(1), (2)	Do.
30	77:775	88–244	2	814	92–497	----------	Revision.
1964							
May 20	78:197	88–309	4(a)–(c)	1303	92–590	1–4	Amendment.
July 2	78:241	88–352	401(b)	375, 236	92–318	906(a), 2(c)(1), (2)	Do.
2	78:241	88–352	407(a)	373	92–318	806	Applicability.
2	78:241	88–352	407(a)(2)	375, 236	92–318	906(a), 2(c)(1), (2)	Amendment.
2	78:241	88–352	410	375, 236	92–318	906(a), 2(c)(1), (2)	Do.
2	78:241	88–352	603	697	92–424	23	Applicability.
2	78:241	88–352	701–718	104	92–261	3	Nonapplicability.
2	78:241	88–352	701(a)	103	92–261	2(1)	Amendment.
2	78:241	88–352	701(b)	103	92–261	2(2)	Revision.
2	78:241	88–352	701(c)	103	92–261	2(3)	Amendment.
2	78:241	88–352	701(e)	103	92–261	2(4)	Do.
2	78:241	88–352	701(f)	103	92–261	2(5)	Do.
2	78:241	88–352	701(h)	103	92–261	2(6)	Do.
2	78:241	88–352	701(j)	103	92–261	2(7)	Addition.
2	78:241	88–352	702	103	92–261	3	Revision.
2	78:241	88–352	703(a)(2)	109	92–261	8(a)	Amendment.
2	78:241	88–352	703(c)(2)	109	92–261	8(b)	Do.
2	78:241	88–352	704(a)	109	92–261	8(c)(1)	Do.
2	78:241	88–352	704(b)	109	92–261	8(c)(2)	Do.
2	78:241	88–352	705(a)	109	92–261	8(d)	Revision.
2	78:241	88–352	705(b), (c)	110	92–261	8(e)(1), (3)	Subsec. (b) redesignated as (c); new (b) added.
2	78:241	88–352	705(c)–(j)	110	92–261	8(e)(2), (3)	Subsecs. (e), (h) repealed; (c), (d), (i), (j) redesignated as (d), (e), (h), (i).
2	78:241	88–352	705(g)(6)	110	92–261	8(f)	Revision.
2	78:241	88–352	706(a)–(g)	104–107, 113	92–261	4(a), 14	Do.
2	78:241	88–352	706(f)–(k)	112	92–261	11	Applicability.

TABLE 1.—*General Legislation*—Continued

Provisions affected					Amendatory provisions			
Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1964								
July	2	78:241	88-352	706(i)	107, 113	92-261	4(b)(1), 14	Amendment.
	2	78:241	88-352	706(j)	107, 113	92-261	4(b)(2), 14	Do.
	2	78:241	88-352	707	107	92-261	5	Transfer of functions.
	2	78:241	88-352	707(c)-(e)	107	92-261	5	Addition.
	2	78:241	88-352	709(b)-(d)	107-109	92-261	6	Revision.
	2	78:241	88-352	710	109	92-261	7	Do.
	2	78:241	88-352	714	110	92-261	8(g)	Do.
	2	78:241	88-352	715	111	92-261	10	Do.
	2	78:241	88-352	717	111	92-261	11	Addition.
	2	78:241	88-352	718	113	92-261	13	Do.
	2	78:241	88-352	902	375, 236	92-318	906(a), 2(c)(1), (2)	Amendment.
	9	78:302	88-365	----------	1002	92-517	302(a)	Waiver.
Aug.	19	78:496	88-449	5(a)	746	92-447	----------	Amendment.
	20	78:508	88-452	----------	403	92-334	101(b)	Supplemental provision.
	20	78:508	88-452	105-155	703	92-424	25(b)	Repeal.
	20	78:508	88-452	113(a)	705	92-424	27(b)(1)	Do.
	20	78:508	88-452	125(a)	690	92-424	5	Amendment.
	20	78:508	88-452	132(a)-(c)	705	92-424	27(b)(1), (3)	Subsecs. (b), (c) repealed; designation "(a)" deleted.
	20	78:508	88-452	171	688	92-424	2(a)	Amendment.
	20	78:508	88-452	211(b)	690	92-424	7(a)	Do.
	20	78:508	88-452	211(b)(1)	690	92-424	7(b)	Revision.
	20	78:508	88-452	211(g)	690	92-424	6	Addition.
	20	18:508	88-452	221	705	92-424	28	Restriction.
	20	78:508	88-452	222(a)(1)	690	92-424	8	Amendment.
	20	78:508	88-452	222(a)(4)(A)(ii)	691	92-424	9	Do.
	20	78:508	88-452	222(a)(8)	691	92-424	10(a)	Do.
	20	78:508	88-452	222(a)(9)	691	92-424	10(b)	Do.
	20	78:508	88-452	222(a)(10), (11)	691	92-424	11	Addition.
	20	78:508	88-452	225(a)	692	92-424	12(a)	Amendment.
	20	78:508	88-452	225(c)	692	92-424	13	Do.
	20	78:508	88-452	226-228	693	92-424	14	Addition.
	20	78:508	88-452	231(d)	695	92-424	15	Do.
	20	78:508	88-452	233	705	92-424	27(b)(1)	Repeal.
	20	78:508	88-452	234	695	92-424	16	Addition.
	20	78:508	88-452	244(8)	695	92-424	17	Do.
	20	78:508	88-452	245	688	92-424	2(a)	Amendment.
	20	78:508	88-452	312(b)(3)	696	92-424	18	Do.
	20	78:508	88-452	314(a), (b)	705	92-424	27(b)(1), (3)	Subsec. (b) repealed; designation "(a)" deleted.
	20	78:508	88-452	321	688	92-424	2(a)	Amendment.
	20	78:508	88-452	402(a)	382	92-320	2	Do.
	20	78:508	88-452	408	688	92-424	2(a)	Do.
	20	78:508	88-452	522(d)	696	92-424	19	Do.
	20	78:508	88-452	523	688	92-424	2(b)	Do.
	20	78:508	88-452	602(d)	705	92-424	28	Exception.
	20	78:508	88-452	603(c)	696	92-424	20	Addition.
	20	78:508	88-452	609(1)	692	92-424	12(b)	Amendment.
	20	78:508	88-452	609(5)	696	92-424	21	Addition.
	20	78:508	88-452	615	688	92-424	2(a)	Amendment.
	20	78:508	88-452	616	690, 689	92-424	4(a), (b), 3(c)(3)	Amendment; applicability.
	20	78:508	88-452	623-625	696, 697	92-424	22-24	Addition.
	20	78:508	88-452	625	689	92-424	3(e)	Exception.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1964							
Aug. 20	78:508	88–452	632(2)	705	92–424	27(b)(2)	Amendment.
20	78:508	88–452	701–741	697, 705	92–424	25(a), 28	Addition (sec. 701 relating to community economic development); restriction.
20	78:508	88–452	801	703	92–424	26(a)	Amendment.
20	78:508	88–452	811(a)	703	92–424	26(b)(1), (2)	Do.
20	78:508	88–452	820(a)	703	92–424	26(c)(1), (2)	Do.
20	78:508	88–452	821	703, 689	92–424	26(d), 3(d)(1)(B)	Amendment; exception.
20	78:508	88–452	833(b)	689	92–424	3(d)(3)(A)	Amendment.
20	78:508	88–452	833(c)	689	92–424	3(d)(3)(B)	Do.
20	78:508	88–452	835	688	92–424	2(a)	Do.
20	78:508	88–452	901–905	704	92–424	27(a)	Addition.
27	78:608	88–492	----------	121	92–272	301(10), 302	Boundary revision.
27	78:608	88–492	2	122	92–272	401	Amendment.
27	78:608	88–492	8	120	92–272	101(7)	Do.
31	78:703	88–525	3(e)	1491	92–603	411(a)	Do.
31	78:703	88–525	3(h)	1491, 1492	92–603	411(b), (h)	Revision.
31	78:703	88–525	10(c)	1491, 1492	92–603	411(c), (h)	Amendment.
31	78:703	88–525	10(e)	1491, 1492	92–603	411(e), (h)	Do.
31	78:703	88–525	10(e)(2)	1491, 1492	92–603	411(d), (h)	Do.
31	78:703	88–525	14(e)	1492	92–603	411(f), (h)	Deletion.
31	78:752	88–546	----------	121	92–272	301(7), 302	Boundary revision.
31	78:752	88–546	5	120	92–272	201(3)	Amendment.
31	78:767	88–558	3(b)(1)	491, 492	92–352	106(a), (b)	Revision; nonapplicability; effective date.
31	78:767	88–558	4	492	92–352	106(b)	Exception.
Sept. 2	78:880	88–575	102	640, 641	92–410	115(c), 118	Repeal.
3	78:897	88–578	4–11	459	92–347	2	Secs. 4–10 renumbered as 5–11; new 4 added.
1965							
Apr. 11	79:27	89–10 (title I)	----------	----------	----------	----------	(See 1950, P.L. 874.)
11	79:27	89–10	202(a)(1)	341, 236	92–318	421(b)(1)(A), 2(c)(1), (2)	Amendment.
11	79:27	89–10	203(a)(3)(D)	353, 236	92–318	509(a)(1), 2(c)(1), (2)	Addition.
11	79:27	89–10	302(a)(1)	341, 236	92–318	421(b)(1)(B), 2(c)(1), (2)	Amendment.
11	79:27	89–10	303(b)(3)(C)–(K)	353, 236	92–318	509(a)(2), 2(c)(1), (2)	Cls. (C)–(J) redesignated as (D)–(K); new (C) added.
11	79:27	89–10	503(4)(A)–(D)	353, 236	92–318	509(a)(3), 2(c)(1), (2)	Cls. (A)–(C) redesignated as (B)–(D); new (A) added.
11	79:27	89–10	706(a)	345, 236	92–318	452, 2(c)(1), (2)	Revision.

TABLE 1.—*General Legislation*—Continued

Provisions affected					Amendatory provisions			
Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1965								
Aug.	11	79:27	89–10	810	339, 236	92–318	421(a), 2(c)(1), (2)	Addition.
	11	79:27	89–10	811	348–350, 236	92–318	505(a)(3), (b), 2(c)(2)	Do.
	11	79:27	89–10 (title IX)	901–907	346–348, 236	92–318	504(a), (b), 2(c)(2)	Do.
July	14	79:218	89–73	611(a)	705	92–424	29(a), (b)	Amendment.
	14	79:218	89–73 (title VII)	701–710	88–95	92–258	1, 2	Addition. (Former secs. 701–705 (title VII) redesignated as 801–805 (title VIII).)
	14	79:218	89–73 (title VIII)	801–805	88	92–258	1	Former secs. 701–705 (title VII) redesignated as 801–805 (title VIII).
	22	79:244	89–80	401	578	92–396	----------	Deletion; new sec. 401 added.
	30	79:286	89–97	121(b)	1429	92–603	249D	Amendment.
Aug.	10	79:451	89–117	702(c)	405	92–335	7	Do.
	10	79:451	89–117	708(b)	405	92–335	3	Do.
	12	79:510	89–119	4	120	92–272	201(1)	Do.
	26	79:552	89–136	105	576	92–393	----------	Nonapplicability.
	28	79:581	89–142	----------	1181	92–566	----------	Copyright terms, extension.
Sept.	1	79:612	89–158	2	1250	92–575	2	Amendment.
	1	79:612	89–158	8	1250	92–575	1	Do.
	21	79:824	89–195	11	120	92–272	101(1)	Do.
	30	79:893	89–220	1	462	92–348	1(a)	Do.
	30	79:893	89–220	2	462	92–348	1(b)	Do.
	30	79:893	89–220	8(a)(2)–(4)	462	92–348	2(a)	Pars. (2), (3) redesignated as (3), (4); new (2) added.
	30	79:893	89–220	8(a)(3)	462	92–348	2(b)	Revision. (Redesignated par. 3.)
	30	79:893	89–220	11	463	92–348	3	Amendment.
	30	79:893	89–220	12	463	92–348	4	Repeal.
Oct.	22	79:1034	89–286	2(a)(1)	789	92–473	1(a)	Amendment.
	22	79:1034	89–286	2(a)(2)	789	92–473	1(b)	Do.
	22	79:1034	89–286	2(a)(5)	789	92–473	2	Addition.
	22	79:1034	89–286	4(b)	789	92–473	3(a)	Amendment.
	22	79:1034	89–286	4(c), (d)	789	92–473	3(b)	Addition.
	22	79:1034	89–286	5(a)	790	92–473	4	Amendment.
	22	79:1034	89–286	10	790	92–473	5	Addition.
Nov.	8	79:1219	89–329	101	236	92–318	101(a), (b), 2(c)(3)	Amendment.
	8	79:1219	89–329	103(a)	237, 236	92–318	102(a)(2), (b), 2(c)(2)	Do.
	8	79:1219	89–329	106–112	237, 236	92–318	102(a)(1), (b), 2(c)(2)	Secs. 106–111 redesignated as 107–112; new 106 added.
	8	79:1219	89–329	[1] 112	260, 236	92–318	131(d)(2)(A), 2(c)(1), (2)	Amendment.
	8	79:1219	89–329	201–208	238, 236	92–318	111(b)(1), 2(c)(1), (2)	Sec. 201 revised; 202–208 redesignated as pt. A.

[1] Referred to in text as 113.

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Provisions affected					Amendatory provisions			
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1965								
Nov. 8	79:1219	89–329		201	238, 240, 236	92–318	111(a)(1), (b), 2(c)(2)	Amendment.
8	79:1219	89–329		202	238, 236	92–318	111(b)(2)(A), 2(c)(1), (2)	Do.
8	79:1219	89–329		202	240, 236	92–318	112(b)(1), (c), 2(c)(3)	Do.
8	79:1219	89–329		202(a)–(d), (1)–(3)	240, 236	92–318	112(a), (c), 2(c)(3)	Cls. (a), (b) deleted; (c), (d) redesignated as cls. (2), (3); (1) added.
8	79:1219	89–329		203	239, 236	92–318	111(b)(2)(B), 2(c)(1), (2)	Amendment.
8	79:1219	89–329		203(a)	240, 236	92–318	113(a), (b), 2(c)(2)	Do.
8	79:1219	89–329		203(a)(1)	240, 236	92–318	112(b)(2), (c), 2(c)(3)	Do.
8	79:1219	89–329		204(a)(1)	239, 236	92–318	111(b)(2)(C)(i), 2(c)(1), (2)	Revision.
8	79:1219	89–329		204(a)(2)	239, 236	92–318	111(b)(2)(C)(ii), 2(c)(1), (2)	Amendment.
8	79:1219	89–329		204(a)(2)(D)	239, 236	92–318	111(b)(2)(C)(iii), 2(c)(1), (2)	Addition.
8	79:1219	89–329		204(a)(3)	239, 236	92–318	111(b)(2)(C)(iv), 2(c)(1), (2)	Deletion.
8	79:1219	89–329		207	260, 236	92–318	131(d)(2)(B), 2(c)(1), (2)	Amendment.
8	79:1219	89–329		221	238, 240, 236	92–318	111(a)(2), (b), 2(c)(2)	Do.
8	79:1219	89–329		221	239, 236	92–318	111(b)(3)(A), 2(c)(1), (2)	Deletion; new sec. 221 added.
8	79:1219	89–329		222–225	239, 240, 236	92–318	111(b)(3)(A), (D), 2(c)(1), (2)	Secs. 222, 225 deleted; 223, 224 redesignated as 222, 223.
8	79:1219	89–329		223(a)	239, 236	92–318	111(b)(3)(B), 2(c)(1), (2)	Revision. (Former sec. 223.)
8	79:1219	89–329		223(b)	239, 236	92–318	111(b)(3)(C), 2(c)(1), (2)	Amendment. (Former sec. 223.)
8	79:1219	89–329		231	240, 236	92–318	114(a), (b), 2(c)(3)	Amendment.
8	79:1219	89–329		232	241, 236	92–318	115(a), (b), 2(c)(2)	Addition.
8	79:1219	89–329		301–306	241–245, 236	92–318	121(a), (b), 2(c)(2)	Revision.
8	79:1219	89–329		401–417B	247–259, 236	92–318	131(b)(1), (2), 2(c)(2)	Revised and replaced by new secs. 401–417B (pt. A).

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Provisions affected					Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1965							
Nov. 8	79:1219	89–329	401(a)(5)	381, 236	92–318	1001(c)(1), 2(c)(1), (2)	Addition.
8	79:1219	89–329	401(b)	247, 236	92–318	131(a)(1)(A), (2), 2(c)(3)	Amendment.
8	79:1219	89–329	401(b)	381, 236	92–318	1001(c)(2), 2(c)(1), (2)	Do.
8	79:1219	89–329	408	247, 236	92–318	131(a)(1)(B), (2), 2(c)(3)	Do.
8	79:1219	89–329	413D	281	92–318	139A(a)	Transfer of funds.
8	79:1219	89–329	419	375, 381, 236	92–318	1001(a), (d), 2(c)(1), (2)	Addition; limitation.
8	79:1219	89–329	420	375, 236	92–318	1001(a), 2(c)(1), (2)	Addition.
8	79:1219	89–329	421–438	264	92–318	132E(a)	Exception.
8	79:1219	89–329	424(a)	261, 265, 236	92–318	132(a)(1)(2), (d), 132F, 2(c)(3)	Amendment; savings provision.
8	79:1219	89–329	425(a)	261, 265, 236	92–318	132A(a)(1), (2), (c), 132F, 2(c)(1), (2)	Do.
8	79:1219	89–329	425(a)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	425(b)	262, 265, 236	92–318	132B(a), 132F, 2(c)(1), (2)	Revision; savings provision.
8	79:1219	89–329	425(b)	563, 564	92–391	1	Temporary suspension of 1972 revision; savings provision.
8	79:1219	89–329	427(a)(1)(C)	263, 265, 236	92–318	132C(c), 132F, 2(c)(1), (2)	Deletion; savings provision.
8	79:1219	89–329	427(a)(1)(C)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	427(a)(2)(D)	262, 265, 236	92–318	132B(b), 132F, 2(c)(1), (2)	Amendment; savings provision.
8	79:1219	89–329	427(a)(2)(D)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	428(a)(1)	262, 265, 236	92–318	132C(a), 132F, 2(c)(1), (2)	Revision; savings provision.
8	79:1219	89–329	428(a)(1)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1965							
Nov. 8	79:1219	89–329	428(a)(4)	261, 265, 236	92–318	132(b)(1), (2), (d), 132F, 2(c)(3)	Amendment; savings provision.
8	79:1219	89–329	428(b)(1)(A)	261, 265, 236	92–318	132A(b)(1), (2), (c), 132F, 2(c)(1), (2)	Do.
8	79:1219	89–329	428(b)(1)(A)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	428(b)(1)(H)	263, 265, 236	92–318	132C(b), 132F, 2(c)(1), (2)	Revision; savings provision.
8	79:1219	89–329	428(b)(1)(H)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	428(b)(1)(L)	264, 265, 236	92–318	132D(b), 132F, 2(c)(1), (2)	Addition; savings provision.
8	79:1219	89–329	428(b)(1)(L)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	428(c)(1)	264, 265, 236	92–318	132D(d), 132F, 2(c)(1), (2)	Amendment; savings provision.
8	79:1219	89–329	428(c)(1)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	428(e)	264, 265, 236	92–318	132D(c), 132F, 2(c)(1), (2)	Repeal; savings provision.
8	79:1219	89–329	428(e)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	430(a)	262, 265, 236	92–318	132B(c), 132F, 2(c)(1), (2)	Amendment; savings provision.
8	79:1219	89–329	430(a)	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	433(c)	261, 265, 236	92–318	132(c), (d), 132F, 2(c)(3)	Amendment; savings provision.
8	79:1219	89–329	434	264, 265, 236	92–318	132D(e), 132F, 2(c)(1), (2)	Do.
8	79:1219	89–329	434	563, 564	92–391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89–329	437	263, 265, 236	92–318	132D(a), 132F, 2(c)(1), (2)	Revision; savings provision.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1965							
Nov. 8	79:1219	89-329	437	563, 564	92-391	1	Temporary suspension of 1972 amendment; savings provision.
8	79:1219	89-329	438	264	92-318	132E(a), (b)	Addition.
8	79:1219	89-329	438	563, 564	92-391	1	Temporary suspension (except subsec. (b)) of 1972 amendment; savings provision.
8	79:1219	89-329	439	265, 236	92-318	133(a), 2(c)(1), (2)	Addition.
8	79:1219	89-329	441(a)	270, 236	92-318	135, 2(c)(1), (2)	Amendment.
8	79:1219	89-329	441(b)	270, 236	92-318	135A(a), (b), 2(c)(3)	Do.
8	79:1219	89-329	442	271	92-318	135F	Exception.
8	79:1219	89-329	442	281	92-318	139A(a)	Transfer of funds.
8	79:1219	89-329	442(a)	270, 236	92-318	135B(a)(1), 2(c)(1), (2)	Amendment.
8	79:1219	89-329	442(c)-(f)	270, 236	92-318	135B(a)(2), 2(c)(1), (2)	Subsecs. (c)-(e) redesignated as (d)-(f); new (c) added.
8	79:1219	89-329	444(a)(3)	271, 236	92-318	135E(a)(1), 2(c)(1), (2)	Amendment.
8	79:1219	89-329	444(a)(3)(A)	271	92-318	135C(a)(1), (2)	Do.
8	79:1219	89-329	444(a)(3)(B)	271, 236	92-318	135E(a)(2), 2(c)(1), (2)	Revision.
8	79:1219	89-329	444(a)(3)(C)	271, 236	92-318	135D(1), (2), 2(c)(1), (2)	Amendment.
8	79:1219	89-329	444(a)(4)	271, 236	92-318	135E(b), 2(c)(1), (2)	Deletion.
8	79:1219	89-329	447	271, 236	92-318	135F, 2(c)(1), (2)	Addition.
8	79:1219	89-329	451(a)	272, 236	92-318	136(a)(1), (c), 2(c)(3)	Amendment.
8	79:1219	89-329	451(b)	272, 236	92-318	136(a)(2), (c), 2(c)(3)	Do.
8	79:1219	89-329	451(b)	272, 236	92-318	136(b)(1), 2(c)(1), (2)	Do.
8	79:1219	89-329	453	272, 236	92-318	136(b)(2), 2(c)(1), (2)	Do.
8	79:1219	89-329	461-466	272-279, 236	92-318	137(b), 2(c)(1), (2)	Addition (pt. E). (Former pt. E redesignated as pt. F).
8	79:1219	89-329	461-466	280	92-318	137(d)(1)	Supplemental provisions.
8	79:1219	89-329	461-464, 469	272, 236	92-318	137(b), 2(c)(1), (2)	Secs. 461-464, 469 (pt. E) redesignated as 491-494, 499 (pt. F).
8	79:1219	89-329	461(b), (c)	259, 236	92-318	131(c), 2(c)(1), (2)	Subsec. (b) deleted; new (b), (c) added.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1965							
Nov. 8	79:1219	89-329	491-497	272, 236	92-318	137(b), 2(c)(1), (2)	Deletion (pt. F).
8	79:1219	89-329	491-494, 499	272, 236	92-318	137(b), 2(c)(1), (2)	Former secs. 461-464, 469 (pt. E) redesignated as 491-494, 499 (pt. F).
8	79:1219	89-329	491(b)(1)	381, 236	92-318	1001(c)(3), 2(c)(1), (2)	Amendment.
8	79:1219	89-329	494	280	92-318	138(a)	Waiver.
8	79:1219	89-329	494(a)	280, 236	92-318	138(a), (b), 2(c)(2)	Amendment; effective date.
8	79:1219	89-329	495	280, 236	92-318	139, 2(c)(1), (2)	Addition.
8	79:1219	89-329	495	564	92-391	1(2)	Nonapplicability.
8	79:1219	89-329	496	280, 281, 236	92-318	139A(a), (b), 2(c)(2)	Addition.
8	79:1219	89-329	497	281, 236	92-318	139B(a), 2(c)(1), (2)	Do.
8	79:1219	89-329	498	282, 236	92-318	139C(a), (b), 2(c)(1), (2)	Do.
8	79:1219	89-329	501(a), (b)	285, 236	92-318	141(b)(1), (2), 2(c)(2)	Existing text designated as (a); subsec. (b) added.
8	79:1219	89-329	502(f)	285, 236	92-318	141(c)(1)(A), 2(c)(2)	Deletion.
8	79:1219	89-329	503(a)	344, 236	92-318	451(a), 2(c)(1), (2)	Amendment.
8	79:1219	89-329	504(b)	284, 236	92-318	141(a)(1)(B), (2), 2(c)(3)	Amendment.
8	79:1219	89-329	504(b)	285, 236	92-318	141(c)(1)(B), 2(c)(2)	Deletion.
8	79:1219	89-329	511(a)	285, 236	92-318	141(c)(1)(C), 2(c)(2)	Designation "(a)" deleted.
8	79:1219	89-329	511(b)	284, 236	92-318	141(a)(1)(A), (2), 2(c)(3)	Amendment.
8	79:1219	89-329	511(b)	285, 236	92-318	141(c)(1)(C), 2(c)(2)	Deletion.
8	79:1219	89-329	512	286, 236	92-318	142, 2(c)(1), (2)	Amendment.
8	79:1219	89-329	518	285, 236	92-318	141(c)(2)(A)(i), (ii), 2(c)(1), (2)	Amendment; caption head revised.
8	79:1219	89-329	518(a)	285, 236	92-318	141(c)(1)(D), 2(c)(2)	Designation "(a)" deleted.
8	79:1219	89-329	518(b)	284, 236	92-318	141(a)(1)(B), (2), 2(c)(3)	Amendment.
8	79:1219	89-329	518(b)	285, 236	92-318	141(c)(1)(D), 2(c)(2)	Deletion.
8	79:1219	89-329	518(3)-(5)	286, 236	92-318	143(a)(1), (b), 2(c)(2)	Addition.
8	79:1219	89-329	519(a)	285, 236	92-318	141(c)(2)(B), 2(c)(2)	Amendment.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1965							
Nov. 8	79:1219	89-329	520(a)(2)(C)-(F)	286, 236	92-318	143(a)(2), (b), 144(a), (b), 2(c)(2)	Cl. (C) redesignated as (F) and amended; (D)-(E) added.
8	79:1219	89-329	520(a)(3)	286, 236	92-318	143(a)(3), (b), 2(c)(2)	Amendment.
8	79:1219	89-329	520(a)(5)-(9)	286, 287, 236	92-318	145(a), (b), 146(a), (b), 2(c)(2)	Cl. (5) deleted; (6)-(9) redesignated as (5)-(8); redesignated (5) amended.
8	79:1219	89-329	521	287, 236	92-318	146A, 2(a)(1), (2)	Amendment.
8	79:1219	89-329	525(b)	285, 236	92-318	141(c)(3), 2(c)(1), (2)	Do.
8	79:1219	89-329	526	260, 236	92-318	131(d)(2)(C), 2(c)(1), (2)	Do.
8	79:1219	89-329	528	284, 236	92-318	141(a)(1)(B), (2), 2(c)(3)	Do.
8	79:1219	89-329	528	285, 236	92-318	141(c)(1)(E), 2(c)(2)	Deletion.
8	79:1219	89-329	531(b)(11)	287, 236	92-318	147(a)(1), (b), 2(c)(2)	Addition.
8	79:1219	89-329	531(b)(12)	287, 288, 236	92-318	148(a)(1), (b), 2(c)(2)	Do.
8	79:1219	89-329	531(c)(3)	287, 236	92-318	147(a)(2), (b), 2(c)(2)	Do.
8	79:1219	89-329	531(c)(4)	287, 288, 236	92-318	148(a)(2), (b), 2(c)(2)	Do.
8	79:1219	89-329	532	284, 236	92-318	141(a)(1)(B), (2), 2(c)(3)	Amendment.
8	79:1219	89-329	532	285, 236	92-318	141(c)(1)(F), 2(c)(2)	Deletion.
8	79:1219	89-329	532	344, 236	92-318	451(b), 2(c)(1), (2)	Addition.
8	79:1219	89-329	543	284, 236	92-318	141(a)(1)(B), (2), 2(c)(3)	Amendment.
8	79:1219	89-329	543	285, 236	92-318	141(c)(1)(G), 2(c)(2)	Deletion.
8	79:1219	89-329	555	285, 236	92-318	141(c)(1)(H), 2(c)(2)	Do.
8	79:1219	89-329	601(b), (c)	288, 236	92-318	151(a), (b), 2(c)(3)	Amendment.
8	79:1219	89-329	609	260, 236	92-318	131(d)(2)(D), 2(c)(1), (2)	Do.
8	79:1219	89-329	701-782	288-303, 236	92-318	161(a), (b)(1), 2(c)(1), (2)	Revision; supplemental provision.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1965							
Nov. 8	79:1219	89-329	744	303	92-318	161(b)(4)	Supplemental provisions.
8	79:1219	89-329	801(a)	304, 236	92-318	172(a)(1), (b), 2(c)(2)	Amendment.
8	79:1219	89-329	801(b)(1)(A)	304, 236	92-318	172(a)(2), (b), 2(c)(2)	Do.
8	79:1219	89-329	802	304, 236	92-318	171, 2(c)(3)	Do.
8	79:1219	89-329	901-965	304-311, 236	92-318	181(a), 2(c)(1), (2)	Secs. 901-925 deleted; new 901-965 added.
8	79:1219	89-329	923	260, 236	92-318	131(d)(2)(E), 2(c)(1), (2)	Amendment.
8	79:1219	89-329	981	380, 381, 236	92-318	1001(b), (d), 2(c)(1), (2)	Addition; limitation.
8	79:1219	89-329	1001-1072	312-323, 236	92-381	186(a)(1), (b), 2(c)(2)	Revised and replaced by new secs. 1001-1072.
8	79:1219	89-329	1101-1103	323, 324, 236	92-318	191(a), (d), 2(c)(3)	Amendment.
8	79:1219	89-329	1101(b)(5)	323, 324, 236	92-318	191(b), (d), 2(c)(3)	Revision.
8	79:1219	89-329	1103	323, 324, 236	92-318	191(c), (d), 2(c)(3)	Amendment.
8	79:1219	89-329	1201(l)	260, 236	92-318	131(d)(1), 2(c)(1), (2)	Addition.
8	79:1219	89-329	1202	324, 236	92-318	196, 2(c)(1), (2)	Addition (relating to State Postsecondary Education Commissions).
8	79:1219	89-329	1203	324, 325, 236	92-318	196, 2(c)(1), (2)	Addition.
8	79:1219	89-329	1206	325, 236	92-318	197, 2(c)(1), (2)	Do.
1966							
Mar. 15	80:36	89-367	401(a)(1)	35	92-226	409(1)	Amendment.
15	80:36	89-367	401(a)(1)	737	92-436	601(a)(1)	Do.
15	80:36	89-367	401(a)(1)	737	92-436	601(b)	Revision.
15	80:36	89-367	401(a)(1)	1204	92-570	802	Amendment.
15	80:36	89-367	401(a)(2)	35	92-226	409(2)	Do.
16	80:71	89-369	----------	57	92-245	1	Applicability.
16	80:71	89-369	12-19	57-59	92-245	1, 2	Addition.
Apr. 13	80:107	89-387	3(a)	116	92-267	----------	Amendment; exemption.
June 17	80:203	89-454	301-315	1280, 1286	92-583	----------	Addition; exception.
17	80:203	89-454	307(g)	1282	92-583	----------	Applicability.
July 4	80:259	89-491	2(b)(3)	42	92-236	1(1)	Amendment.
4	80:259	89-491	2(b)(4), (5)	42, 43	92-236	1(2), (3)	Par. (4) redesignated as (5) and revised; new (4) added.
4	80:259	89-491	6(b)	43	92-236	2	Revision.
4	80:259	89-491	7(a)	43	92-236	3	Do.

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Provisions affected					Amendatory provisions			
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1966								
July	4	80:259	89–491	7(a)	1070	92–538	1	Revision.
	4	80:259	89–491	8–10	43	92–236	4	Addition.
	4	80:259	89–491	9(2), (3)	1070	92–538	2	Do.
Sept.	9	80:718	89–563	----------	403	92–334	101(b)	Supplemental provision.
	9	80:718	89–563	121	1159	92–548	2	Revision.
	9	80:718	89–563	123	1159	92–548	3	Do.
	12	80:739	89–568	201	1142	92–545	203(a)	Amendment.
	12	80:739	89–568	602(2)	1142	92–545	203(b)	Do.
	26	80:849	89–606	1	1175	92–561	1(1)	Amendment. (See 10 U.S.C. 8202(a), table 5(a).)
	26	80:849	89–606	2	1175	92–561	1(2)	Revision. (See 10 U.S.C. 8202, table 5(a).)
Oct.	11	80:885	89–642	4(a)	724	92–433	3(a)	Amendment.
	11	80:885	89–642	4(b)	724	92–433	3(b)	Revision.
	11	80:885	89–642	4(c)	725	92–433	3(c)	Amendment.
	11	80:885	89–642	4(e)	725	92–433	3(d)	Revision.
	11	80:885	89–642	4(f)	725	92–433	3(e)	Do.
	11	80:885	89–642	5(a)	727	92–433	6(a)	Amendment.
	11	80:885	89–642	5(b)	727	92–433	6(b)	Revision.
	11	80:885	89–642	5(d)	728	92–433	6(c)	Do.
	11	80:885	89–642	5(e)	728	92–433	6(d)	Addition.
	11	80:885	89–642	10	729	92–433	7	Amendment.
	11	80:885	89–642	17	729	92–433	9	Addition.
	15	80:913	89–664	5	120	92–272	101(3)	Amendment.
	15	80:931	89–670	6(f)(3)(A)	617	92–401	6	Do.
	15	80:950	89–671	3	120	92–272	201(4)	Do.
	29	80:1066	89–698	105(a)	312, 236	92–318	183, 2(c)(1), (2)	Do.
Nov.	2	80:1149	89–720	3	1493	92–604	----------	Do.
	3	80:1191	89–750	314	342, 236	92–318	431, 2(c)(1), (2)	Addition.
	3	80:1255	89–754	111(c)	405	92–335	2	Amendment.
	3	80:1255	89–754	1013(a)(2)	1150	92–545	601(2)	Exception.
	3	80:1255	89–754	1013(b)	1150	92–545	601(2)	Do.
	3	80:1255	89–754	1013(d)	1150	92–545	601(1)	Amendment.
	3	80:1255	89–754	1013(l)	1150	92–545	601(2)	Addition.
	6	80:1324	89–774	----------	466–470	92–349	301(a)(1)–(8)	Compact amended.
	8	80:1438	89–793	301(b)	677	92–420	4, 5	Revision.
	13	80:1591	89–810	102	640, 641	92–410	115(d), 118	Repeal.
1967								
July	28	81:127	90–57	----------	1508	92–607	506(h)(5)	Partial repeal.
	28	81:127	90–57	105(e)(3)(B)	1505	92–607	505	Amendment.
Oct.	21	81:279	90–110	201	1142	92–545	204(a)	Do.
	21	81:279	90–110	610(a)	1149	92–545	505	Exception.
	21	81:279	90–110	802(2)	1142	92–545	204(b)	Amendment.
	31	81:337	90–117	3(a)–(c)	742	92–439	----------	Revision.
Nov.	16	81:464	90–141	----------	1181	92–566	----------	Copyright terms, extension.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1968							
Jan. 2	81:783	90–247	400–448	326–332, 236	92–318	301(a)(1), (2), (b)(1), 2(c)(2)	Sec. 401 redesignated as 400; secs. 402–406 (pt. A) redesignated as 411–415 (pt. B); 411–426 (pt. B) redesignated as 421–436 (pt. C); 431–438 (pt. C) redesignated as 441–448 (pt. D); new 401–405 (pt. A) added.
2	81:783	90–247	401(c)	238	92–318	103(c)	Supplemental provision.
2	81:783	90–247	417	333, 236	92–318	304, 2(c)(1), (2)	Addition.
2	81:783	90–247	421–448	369	92–318	717(a)	Applicability. (Redesignated secs. 421–448.)
2	81:783	90–247	421	333, 236	92–318	302(b), 2(c)(1), (2)	Heading revised. (Redesignated sec. 411.)
2	81:783	90–247	421(c)	332, 333, 236	92–318	302(a), (c), 2(c)(1), (2)	Addition. (Redesignated sec. 411.)
2	81:783	90–247	422	332	92–318	301(b)(2)(B)	Amendment. (Redesignated sec. 412.)
2	81:783	90–247	422	369, 236	92–318	717(b), 2(c)(1), (2)	Amendment. (Former sec. 422.)
2	81:783	90–247	431(b)	564	92–391	1(2)	Nonapplicability.
2	81:783	90–247	434	345, 236	92–318	501(1), 2(c)(1), (2)	Heading revised. (Redesignated sec. 424.)
2	81:783	90–247	434(a)(1), (2), (b)	345, 236	92–318	501(2), (3), 2(c)(1), (2)	Subsecs. (a), (b) redesignated as (a)(1), (2); new (b) added. (Redesignated sec. 424.)
2	81:783	90–247	441–448	328	92–318	301(a)(2)	Applicability (pt. D).
2	81:821	90–248	272(b)	1451	92–603	271A(a), (b)	Amendment. (See also 1935, P.L. 271, sec. 1902(a)(23).)
2	81:821	90–248	402(a)	1391	92–603	222(b)(1)	Revision.
2	81:821	90–248	402(a)(1)(E)	1453	92–603	278(b)(2)	Amendment.
2	81:821	90–248	402(b)	1393	92–603	222(b)(2)(A)–(C)	Do.
May 7	82:113	90–301	3(a)	405	92–335	1	Do.
27	82:140	90–320	2	640, 641	92–410	115(e), 118	Repeal.
29	82:146	90–321	404(b)	382	92–321	1(1)	Amendment.
29	82:146	90–321	406(e)	382	92–321	1(2)	Do.
29	82:146	90–321	407	382	92–321	1(3)	Do.
June 19	82:197	90–351	205	1117	92–544	----------	Exception.
July 15	82:354	90–401	1(b)	459	92–347	1	Repeal.
23	82:397	90–416	----------	1181	92–566	----------	Copyright terms, extension.

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Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1968							
July 23	82:398	90–417	106	1508	92–607	506(h)(4)	Repeal.
31	82:462	90–445	----------	532–539	92–381	1–3	Revision.
Aug. 12	82:720	90–481	5(a)	616	92–401	1	Amendment.
12	82:720	90–481	5(c)(1)	616	92–401	2	Do.
12	82:720	90–481	13(d)	616	92–401	3	Addition.
12	82:720	90–481	15	616	92–401	4	Revision.
Oct. 2	82:906	90–542	----------	1174	92–560	4	Exception.
2	82:906	90–542	3(a)(9)	1174	92–560	2	Addition.
16	82:1014	90–575	504	282, 286	92–318	139B(b), 2(c)(2)	Repeal.
22	82:1320	90–629	----------	27	92–226	301	Limitation; waiver.
22	82:1320	90–629	23, 24	33	92–226	401(f)(2)	Limitation.
22	82:1320	90–629	31(a)	32	92–226	401(a)	Amendment.
22	82:1320	90–629	31(b)	32	92–226	401(b)	Do.
22	82:1320	90–629	33(a)	32	92–226	401(c)	Do.
22	82:1320	90–629	33(c)	32	92–226	401(d)	Revision.
22	82:1320	90–629	42(a)	33	92–226	401(f)(1)	Amendment.
22	82:1320	90–629	42(a)(3)	33	92–226	401(e)	Addition.
22	82:1320	90–629	42(b)–(d)	33	92–226	401(f)(2)	Subsecs. (b), (c) redesignated as (c), (d); new (b) added.
22	82:1320	90–629	42(b)	33	92–226	401(f)(1)	Applicability.
24	82:1345	90–634	302	113	92–262	----------	Amendment.
1969							
July 11	83:46	91–44	----------	225	92–314	106(a)	Project rescission.
11	83:46	91–44	101(b)(1)	225	92–314	105(a)	Amendment.
Aug. 9	83:99	91–56	2(b)	1410	92–603	230	Repeal.
Sept. 26	83:116	91–73	----------	145	92–297	11	Do.
Oct. 22	83:141	91–95	2(a)(7)	270, 236	92–318	134(a), (b), 2(c)(2)	Amendment.
Dec. 5	83:293	91–142	301	1146	92–545	304(a)	Do.
5	83:293	91–142	702(c)	1146	92–545	304(b)	Do.
5	83:293	91–142	709	63	92–252	----------	Do.
9	83:320	91–143	----------	1004	92–517	601	Nonapplicability.
9	83:320	91–143	4(a)	466	92–349	201(a)(1), (2)	Amendment.
9	83:320	91–143	9–12	464–466	92–349	101	Addition.
9	83:320	91–143	13	1004	92–517	601	Do.
16	83:360	91–147	----------	1181	92–566	----------	Copyright terms, extension.
30	83:487	91–172	1007	1484	92–603	304	Amendment.
30	83:742	91–173	401–431	156	92–303	7	Exception.
30	83:742	91–173	401–426	155, 156	92–303	5(2), (3), (10)	Amendment; applicability.
30	83:742	91–173	401	153	92–303	3(a), (c)	Amendment; effective date.
30	83:742	91–173	401	154	92–303	4(b)(2), (g)	Do.
30	83:742	91–173	402(a)	151	92–303	1(c)(2)	Revision.
30	83:742	91–173	402(b)	153	92–303	3(b), (c)	Amendment; effective date.
30	83:742	91–173	402(d)	153	92–303	3(b), (c)	Do.
30	83:742	91–173	402(e)	152	92–303	1(c)(3)	Revision.
30	83:742	91–173	402(f)	153, 154	92–303	4(a), (g)	Revision; effective date.
30	83:742	91–173	402(g)	152	92–303	1(c)(4)	Addition.
30	83:742	91–173	402(g)(2)(B)(ii)	151	92–303	1(c)(2)	Exception.
30	83:742	91–173	411–415	152	92–303	1(c)(6)	Do.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1969							
Dec. 30	83:742	91-173	411(a)	154, 156	92-303	4(b)(1), (g), 5(10)	Amendment; effective date; applicability.
30	83:742	91-173	411(b)	154, 156	92-303	4(d), (g), 5(10)	Do.
30	83:742	91-173	411(c)(1), (2)	153, 156	92-303	3(a), (c), 5(10)	Do.
30	83:742	91-173	411(c)(3)	154, 156	92-303	4(b)(3), (g), 5(10)	Do.
30	83:742	91-173	411(c)(4)	154, 156	92-303	4(c), (g), 5(10)	Addition; effective date; applicability.
30	83:742	91-173	412(a)(3), (4)	150, 156	92-303	1(b)(1), 5(10)	Par. (3) redesignated as (4); new (3) added; applicability.
30	83:742	91-173	412(a)(5), (6)	150, 156	92-303	1(b)(2), 5(10)	Addition; applicability.
30	83:742	91-173	412(b)	151, 156	92-303	1(c)(1), 5(10)	Amendment; applicability.
30	83:742	91-173	412(b)	153, 156	92-303	2(a), (b), 5(10)	Amendment; effective date; applicability.
30	83:742	91-173	413(b)	152, 156	92-303	1(c)(5)(A), 5(10)	Amendment; applicability.
30	83:742	91-173	413(b)	154, 156	92-303	4(f), (g), 5(10)	Amendment; effective date; applicability.
30	83:742	91-173	414(a)(1)-(3)	152, 156	92-303	1(c)(6), 5(10)	Existing text designated as (1); pars. (2), (3) added; applicability.
30	83:742	91-173	414(b)	155, 156	92-303	5(1), (10)	Amendment; applicability.
30	83:742	91-173	414(e)	151, 156	92-303	1(c)(1), 5(10)	Do.
30	83:742	91-173	415	156	92-303	7	Addition.
30	83:742	91-173	421(a)	151	92-303	1(c)(1)	Amendment.
30	83:742	91-173	421(b)(2)(C)	154	92-303	4(e), (g)	Amendment; effective date.
30	83:742	91-173	421(c)	155	92-303	5(5)	Addition.
30	83:742	91-173	422(a)	153	92-303	3(b), (c)	Amendment; effective date.
30	83:742	91-173	422(a)	156	92-303	5(9)	Amendment.
30	83:742	91-173	422(e)	155	92-303	5(4)	Do.
30	83:742	91-173	422(f)(1), (2)	157	92-303	8	Existing text designated as (1); par. (2) added.
30	83:742	91-173	422(b)	153	92-303	3(a), (c)	Amendment; effective date.
30	83:742	91-173	423(a)	153	92-303	3(b), (c)	Do.
30	83:742	91-173	424	151	92-303	1(c)(1)	Amendment.
30	83:742	91-173	427-431	155, 156	92-303	5(6)-(8), (10), 6	Addition.
30	83:805	91-175	401	34	92-226	406(1)	Heading revised (pt. IV).
30	83:805	91-175	401	34	92-226	406(2), (3)	Caption revised; amendment.
30	83:805	91-175	401(a)	34	92-226	406(2)	Revision.
30	83:805	91-175	401(e)(4)	34	92-226	406(4)	Do.
30	83:805	91-175	401(l)	34	92-226	406(5)	Do.

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Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1969								
Dec.	30	83:841	91-184	----------	133	92-284	----------	Termination date, extension.
	30	83:841	91-184	2(3)	644, 646	92-412	102, 108	Amendment.
	30	83:841	91-184	3(6)	644, 646	92-412	103, 108	Addition.
	30	83:841	91-184	4(b)(1)-(4)	644, 646	92-412	104(a)(1), (2), 108	Existing text designated as (1); pars. (2)-(4) added.
	30	83:841	91-184	4(b)(1)	644	92-412	104(a)(2)	Exception.
	30	83:841	91-184	4(e)	645, 646	92-412	104(b)(1), 108	Revision.
	30	83:841	91-184	5(c)	645, 646	92-412	105, 108	Addition.
	30	83:841	91-184	14	133	92-284	----------	Amendment.
	30	83:841	91-184	14	646	92-412	106, 108	Do.
1970								
Jan.	1	83:852	91-190	----------	806	92-487	----------	Applicability.
Apr.	13	84:121	91-230	612(a)(1)(B)	341, 236	92-318	421(b)(1)(C), 2(c)(1), (2)	Amendment.
June	2	84:299	91-273	----------	225	92-314	106(b)	Project rescission.
	2	84:299	91-273	101(b)(1)	225	92-314	105(b)(1), (2)	Amendment.
	2	84:299	91-273	101(b)(6)	225	92-314	105(b)(3)	Do.
	2	84:299	91-273	101(b)(9)	225	92-314	105(b)(4)	Do.
	30	84:354	91-297	103	640, 641	92-410	115(f), 118	Repeal.
July	24	84:468	91-354	1(c)	63	92-251	1(1)	Amendment.
	24	84:468	91-354	6	63	92-251	1(2)	Do.
Aug.	10	84:695	91-373	203(e)(2)	1326	92-599	501	Do.
	13	84:794	91-378	----------	1319	92-597	----------	Revision.
	18	84:807	91-382	----------	435	92-342	----------	Partial repeal.
Oct.	7	84:905	91-441	501	740	92-436	608	Time extension.
	16	84:979	91-461	3	743	92-440	2	Amendment.
	26	84:1204	91-511	101	1138, 1153	92-545	103(a)(1)-(3), 705(a)(3)(A)-(C)	Amendment; exception.
	26	84:1204	91-511	201	1142	92-545	205(a)(1), (2), (b)	Amendment.
	26	84:1204	91-511	204	1153	92-545	705(a)(3)(D)	Exception.
	26	84:1204	91-511	205	1153	92-545	705(a)(3)(E)	Do.
	26	84:1204	91-511	602(1)	1138	92-545	103(b)	Amendment.
	26	84:1204	91-511	602(2)	1143	92-545	250(c)	Do.
	30	84:1327	91-518	303(d)	227, 234	92-316	1(a), 13	Do.
	30	84:1327	91-518	305(a), (b)	228, 234	92-316	2(1)-(3), 13	Existing text designated as (a) and amended; subsec. (b) added.
	30	84:1327	91-518	306(a)	228, 234	92-316	3(a), 13	Amendment.
	30	84:1327	91-518	306(f), (g)	228, 234	92-316	3(b), 13	Addition.
	30	84:1327	91-518	308	228, 234	92-316	4, 13	Revision.
	30	84:1327	91-518	402(a)	229, 234	92-316	5(1), 13	Amendment.
	30	84:1327	91-518	402(c)	229, 234	92-316	5(2), 13	Addition.

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1970								
Oct.	30	84:1327	91–518	403(a)	229, 234	92–316	6, 13	Revision.
	30	84:1327	91–518	405(a)	230, 234	92–316	7(a), 13	Do.
	30	84:1327	91–518	405(b)	230, 234	92–316	7(b), 13	Amendment.
	30	84:1327	91–518	405(c)	230, 234	92–316	7(c), 13	Revision.
	30	84:1327	91–518	405(f)	230, 234	92–316	8, 13	Addition.
	30	84:1327	91–518	601	231, 234	92–316	9, 13	Revision.
	30	84:1327	91–518	602	231–234	92–316	10(a), (b), 13	Revision; applicability.
	30	84:1327	91–518	805	233, 234	92–316	11(1), 13	Heading amended.
	30	84:1327	91–518	805(2)(B), (C)	233, 234	92–316	11(2), 13	Par. (B) redesignated as (C); new (B) added.
	30	84:1327	91–518	806	233, 234	92–316	12, 13	Addition.
Nov.	30	84:1358	91–524	901(b)	674	92–419	601	Revision.
Dec.	17	84:1441	91–555	----------	1181	92–566	----------	Copyright terms, extension.
	30	84:1670	91–601	----------	998	92–516	3(2)	Amendment.
	30	84:1670	91–601	----------	1231–1233	92–573	30(a), (e)(2)–(4), 34(2)	Transfer of functions; savings provision.
	30	84:1670	91–601	7(b)–(f)	1231–1233	92–573	30 (a), (e)(2)–(4), 34(2)	(See 1947, P.L. 104, sec. 2z(2)(i); 1938, P.L. 717, secs. 403(n), 502(p), 503(b)(2), 602(f).)
	31	84:1744	91–606	231(a), (b)	559	92–385	6	Existing text designated as (a); subsec. (b) added.
	31	84:1848	91–616	301	1167	92–554	----------	Amendment.
1971								
Jan.	5	84:1942	91–652	7(a)	35	92–226	408	Do.
	8	84:1946	91–656	4(a)	146	92–298	3(a)	Do.
	8	84:1946	91–656	4(a)	575, 574	92–392	14(a), 15(a), 9(a)(2)	Amendment; savings provision.
	8	84:1946	91–656	5(a)(1)	146	92–298	3(b)	Revision.
	8	84:1946	91–656	5(a)(1)	575, 574	92–392	14(b), 15(a), 9(a)(2)	Revision; savings provision.
	8	84:1967	91–660	2(a)	123	92–275	1(1)	Amendment.
	8	84:1967	91–660	11	123	92–275	1(2)	Do.
	8	84:1981	91–665	----------	1025	92–520	34, 41(a)	Supplemental provision.
	12	84:2053	91–672	8(a)	33	92–226	402(1)	Partial revision.
	12	84:2053	91–672	8(b)	34, 33	92–226	402(2), (1)	Amendment; applicability.
	12	84:2053	91–672	8(e)	34	92–226	402(3)	Addition.
	12	84:2053	91–672	10	403	92–334	101(b)	Exception.
	12	84:2053	91–672	10	1204	92–571	1(b)	Do.
Mar.	17	85:5	92–5	2(a)	406	92–336	1	Amendment. (See also 1917, P.L. 43, sec. 21.)

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1971								
July	1	85:89	92–38	----------	404	92–334	101(d)(2)	Supplemental provision.
	9	85:103	92–48	----------	403, 404	92–334	101(b), (d)(4)	Do.
	9	85:108	92–49	----------	403	92–334	101(b)	Do.
	9	85:125	92–51	----------	1504, 1507	92–607	501, 506(f)(1)	Amendment.
Aug.	10	85:285	92–80	----------	403, 404	92–334	101(b), (d)(3)	Supplemental provisions.
	11	85:304	92–84	101(b)(1)	225	92–314	105(c)(1)	Amendment.
	11	85:304	92–84	101(b)(2)	225	92–314	105(c)(2)	Do.
	11	85:304	92–84	101(b)(3)	225	92–314	105(c)(3)	Do.
	11	85:304	92–84	101(b)(5)	225	92–314	105(c)(4)	Do.
	16	85:344	92–125	7	1181	92–567	----------	Revision.
Oct.	27	85:394	92–145	101–402	1153	92–545	705(a)	Partial repeal, with exception.
	27	85:394	92–145	101	1138	92–545	105(a)	Amendment.
	27	85:394	92–145	702(1)	1138	92–545	105(b)	Do.
	27	85:394	92–145	705(a)	1153	92–545	705(a)(3)	Exception.
	27	85:394	92–145	709	1154	92–545	708	Revision.
Nov.	17	85:423	92–156	403(a)	737	92–436	502(b)	Repeal.
	18	85:482	92–160	----------	403	92–334	101(b)	Supplemental provision.
	24	85:490	92–170	----------	1181	92–566	----------	Copyright terms, extension.
Dec.	15	85:627	92–184	----------	403, 404	92–334	101(b), (d)(1)	Supplemental provision.
	15	85:627	92–184	----------	1508, 1507	92–607	506(h)(7), (f)(3)	Partial repeal; exception.
	18	85:688	92–203	7(j)	167	92–306	----------	Nonapplicability.
	18	85:688	92–203	7(j)	510	92–369	----------	Exception.
	18	85:716	92–204	----------	403	92–334	101(b)	Supplemental provision.
	18	85:716	92–204	738(a)	737	92–436	601(a)(2)	Amendment.
	22	85:775	92–213	3	405	92–335	6	Do.
	22	85:775	92–213	3	906	92–503	2	Do.
	22	85:778	92–216	1(b)	39	92–232	----------	Do.
	28	85:802	92–223	4(d)	1458	92–603	292	Amendment. (See also 1935, P.L. 271, sec. 1121.)
	29	85:810	92–224	202(f)	398	92–329	1(1)–(3)	Amendment.
	29	85:810	92–224	204(b)	398	92–329	2(e)	Do.
1972								
Mar.	8	86:48	92–242	----------	403	92–334	101(b)	Supplemental provision.
	15	86:63	92–250	----------	406	92–336	1	Amendment. (See also 1917, P.L. 43, sec. 21.)
	21	86:65	92–255	201–255	67	92–255	104	Repeal; effective date.
May	19	86:150	92–303	1(b), (c)(1), (5)(A), (6), 2, 3(a), 4(b)(1); (3), (c), (d), (f), 5(1), (2), 7	156	92–303	5(10)	Applicability. (See 1969, P.L. 91–173, secs. 411–415.)
	19	86:157	92–304	----------	161	92–304	4(a)	Exception.
	27	86:163	92–306	----------	481	92–351	----------	Do.

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Date		Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1972								
June	23	86:235	92–318	132A	563, 564	92–391	1	Temporary suspension of effectiveness; savings provision. (See 1965, P.L. 89–329, secs. 425(a), 428(b)(1)(A).)
	23	86:235	92–318	132B	563, 564	92–391	1	Temporary suspension of effectiveness; savings provision. (See 1965, P.L. 89–329, secs. 425(b), 427(a)(2)(D), 430(a).)
	23	86:235	92–318	132C	563, 564	92–391	1	Temporary suspension of effectiveness; savings provision. (See 1965, P.L. 89–329, secs. 428(a)(1), 428(b)(1)(H), 427(a)(1).)
	23	86:235	92–318	132D	563, 564	92–391	1	Temporary suspension of effectiveness; savings provision. (See 1965, P.L. 89–329, secs. 437, 428(b)(1)(L), 428(e), 428(c)(1), 434.)
	23	86:235	92–318	132E	563, 564	92–391	1	Temporary suspension of effectiveness; savings provision. (See 1965, P.L. 89–329, sec. 438.)
	23	86:235	92–318	132F	563, 564	92–391	1	Temporary suspension of effectiveness; savings provision.
	23	86:235	92–318	140(b)(4)	1051	92–531	----------	Addition.
	23	86:235	92–318	901–907	375	92–318	907	Exception.
July	1	86:402	92–334	----------	1204, 1206	92–571	1(b)	Do.
	1	86:402	92–334	101(e)	1204, 1206	92–571	1(b), 2	Addition.
	1	86:402	92–334	102(c)	563	92–390	----------	Amendment.
	1	86:402	92–334	102(c)	746	92–446	----------	Do.
	1	86:402	92–334	102(c)	1204, 1206	92–571	1(a), (b), 2	Do.
	1	86:402	92–334	108, 109	1204–1206	92–571	1(b), 2	Addition.
	1	86:406	92–336	203(b)(6)	1370	92–603	144(c)	Amendment. (See I.R.C. 1954, sec. 6413(c)(2)(A), table 4.)
	10	86:424	92–340	101–107	426	92–340	102(d)	Nonapplicability.
	10	86:432	92–342	----------	402	92–334	101(a)(1)	Supplemental provision.
	10	86:432	92–342	----------	1508	92–607	506(j)(1), (2)	Transfer of funds.
	10	86:451	92–344	----------	402	92–334	101(a)(1)	Supplemental provision.
	13	86:471	92–351	----------	402	92–334	101(a)(1)	Do.
	13	86:471	92–351	----------	475	92–351	----------	Exception.
	13	86:471	92–351	102	1517	92–607	----------	Amendment.

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1972								
Aug. 10	86:508	92-369			402	92-334	101(a)(1)	Supplemental provision.
10	86:526	92-372			526	92-372	2	Exception.
10	86:530	92-377	1		530	92-377	2	Applicability.
14	86:540	92-383			402	92-334	101(a)(1)	Supplemental provision.
14	86:540	92-383			551, 552	92-383		Exception.
22	86:580	92-398			402	92-334	101(a)(1)	Supplemental provision.
22	86:591	92-399			402	92-334	101(a)(1)	Do.
22	86:617	92-402	1(a)		1046	92-523		Amendment.
25	86:621	92-405			402	92-334	101(a)(1)	Supplemental provision.
Sept. 19	86:688	92-424	24		689	92-424	3(e)	Exception. (See also 1964, P.L. 88-452, sec. 625.)
26	86:731	92-434			731, 733	92-434	2(3), 9	Applicability.
26	86:731	92-434	3		733	92-434	9	Applicability.
29	86:744	92-443			744	92-443	4	Do.
Oct. 6	86:770	92-463			771	92-463	4(a)	Do.
18	86:816	92-500	2		806	92-487		Do.
18	86:816	92-500	2		846, 856, 876, 884, 888	92-500	2	Exception.
18	86:816	92-500	2, "Sec. 104(j)"		871	92-500	2	Applicability.
18	86:816	92-500	2, "Secs. 201-212"		836	92-500	2	Exception.
18	86:816	92-500	2, "Sec. 301(a)"		880	92-500	2	Do.
18	86:816	92-500	2, "Secs. 306, 307"		875	92-500	2	Restriction.
18	86:816	92-500	2, "Secs. 401-405"		880	92-500	2	Supplemental provisions.
20	86:947	92-513	107(b) (3), (4)		959, 963	92-513	207, 208(c), 410(b)	Applicability.
21	86:973	92-516	2		989, 994, 995	92-516	2	Exception.
21	86:973	92-516	2, "Sec. 2(q)(1)"		998	92-516	2	Applicability.
21	86:973	92-516	2, "Sec. 4"		984	92-516	2	Do.
21	86:973	92-516	2, "Sec. 7"		998	92-516	2	Do.
21	86:973	92-516	2, "Sec. 8"		995	92-516	2	Do.
21	86:973	92-516	2, "Sec. 10"		987	92-516	2	Do.
21	86:1016	92-519			1017	92-519	2(a), (b)	Do.
21	86:1027	92-522			1031, 1033	92-522	101(b), 102(e)	Nonapplicability.
21	86:1027	92-522	103, 104		1030	92-522	101(a)(2)	Do.
25	86:1109	92-544			402	92-334	101(a)(1)	Supplemental provision.
25	86:1109	92-544			1124	92-544		Exception.
25	86:1135	92-545	101-710		737	92-436	501(b)	Applicability.
25	86:1135	92-545	501-710		1153	92-545	705(b)	Partial repeal, with exception.
25	86:1135	92-545	502		1149	92-545	504	Exception.
25	86:1135	92-545	706		1154	92-545	706(2)	Applicability.
27	86:1207	92-573			1224	92-573	18	Do.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Public Law	Section	86 Stat.	Public Law	Section	Comment
1972							
Oct. 27	86:1207	92-573	6(a)(1)	1227	92-573	25(c)	Exception.
27	86:1207	92-573	6(a)(2)	1227	92-573	25(c)	Applicability.
27	86:1207	92-573	6(b)	1227	92-573	25(c)	Do.
27	86:1234	92-574	----------	1248, 1249	92-574	17(c)(1), 18(c)(1)	Exception.
27	86:1234	92-574	6	1235	92-574	4(b)(2)	Restriction.
27	86:1234	92-574	10-12	1248, 1249	92-574	17(b), 18(b)	Applicability.
27	86:1234	92-574	16	1248, 1249	92-574	17(a)(2), (b), 18(a)(2), (b)	Do.
27	86:1234	92-574	17	1235	92-574	4(b)(2)	Restriction.
27	86:1234	92-574	17	1239	92-574	6(e)(2)	Applicability.
27	86:1234	92-574	18	1235	92-574	4(b)(2)	Restriction.
27	86:1234	92-574	18	1239	92-574	6(e)(2)	Applicability.
27	86:1266	92-578	----------	1272	92-578	6(13)	Do.
27	86:1304	92-591	----------	1307	92-591	10	Exception.

TABLE 2.—*Revised Statutes*

Affected section	Amendatory provisions			
	86 Stat.	Public Law	Section	Comment
57-59	204	92-310	220(a)-(c)	Repeal.
102-104	498	92-352	604(a)	Applicability.
176	209	92-310	231(a)	Amendment.
234	149	92-302	1(b), (c), 3(a)	Amendment; applicability.
302	209	92-310	231(b)	Repeal.
304	209	92-310	231(c)	Amendment.
326	206	92-310	223(a)	Do.
327	206	92-310	223(b)	Do.
355	53	92-242	----------	Exception.
355	1133	92-544	----------	Do.
355	1151, 1155	92-545	701, 802	Do.
355	1190-1194	92-570	----------	Exceptions.
375	209	92-310	231(d)	Repeal.
378	209	92-310	231(e)	Do.
516	332	92-318	301(b)(2)(A)	Do.
517	332	92-318	301(b)(2)(A)	Do.
520	675	92-419	603(a)(1), (2)	Amendment.
524	205	92-310	221(a)	Repeal.
526(a), (b)	675	92-419	603(b)(1)-(4)	Existing text designated as (a) and amended; subsec. (b) added.
1735	207	92-310	227(a)(1), (2)	Amendment.
1824	1508	92-607	507	Do.
2075	208	92-310	229(a)	Repeal.
2619	206	92-310	226	Do.
2620	206	92-310	226	Do.
3466	1305	92-591	4(a)(6)	Exception.
3501	210	92-310	231(f)	Repeal.
3555	210	92-310	231(g)	Amendment.
3600	210	92-310	231(h)	Repeal.
3613	210	92-310	231(i)	Amendment.
3614	210	92-310	231(j)	Repeal.
3617	621	92-405	----------	Exception.
3620(b)	506	92-366	----------	Supplemental provision.

TABLE 2.—*Revised Statutes*—Continued

Affected section	Amendatory provisions			
	86 Stat.	Public Law	Section	Comment
3620(d)	506	92-366		Addition.
3625	210	92-310	231(k)(1)-(3)	Amendment.
3628	210	92-310	231(l)	Repeal.
3629	210	92-310	231(m)	Amendment.
3630	210	92-310	231(n)	Do.
3631	210	92-310	231(o)	Do.
3632	210	92-310	231(p)	Do.
3634	210	92-310	231(q)(1), (2)	Do.
3639	210	92-310	231(r)	Do.
3646(a)	211	92-310	231(s)(1)	Do.
3646(c)	211	92-310	231(s)(2)	Do.
3648	53	92-242		Exception.
3648	142	92-297	3(a)	Do.
3648	331	92-318	301(a)(2)	Do.
3648	448	92-342		Do.
3648	682	92-423	3(3)	Do.
3648	718	92-426	2(a)	Do.
3648	800	92-484	6(a)(3)	Do.
3648	820, 821	92-500	2	Do.
3648	1113, 1132	92-544		Do.
3648	1151, 1155	92-545	701, 802	Do.
3648	1164	92-550	1(b)	Do.
3648	1323	92-598	7(3)	Do.
3679	404	92-334	107	Applicability.
3679	590	92-398	312	Exception.
3679	1132	92-544		Do.
3679	1228	92-573	27(b)(6)	Do.
3679(b)	68	92-255	208	Do.
3679(b)	1048	92-526	1(b)	Do.
3679(c)	475	92-351		Do.
3679(c)	547	92-383		Exemption.
3679(c)	1198	92-570	713(a)	Exception.
3679(d)(2)	404	92-334	103	Do.
3689	902	92-500	12(p)	Amendment.
3709	258	92-318	131(b)(1)	Exception.
3709	442-444	92-342		Exceptions.
3709	682	92-423	3(3)	Exception.
3709	800	92-484	6(a)(2)	Do.
3709	820, 821	92-500	2	Do.
3709	1103	92-541	2(a)	Do.
3709	1111, 1119, 1125	92-544		Do.
3709	1323	92-598	7(6)	Do.
3710	1323	92-598	7(7)	Do.
3735	1323	92-598	7(9)	Do.
3755	1119	92-544		Do.
4399-4500	428	92-340	201	Applicability.
4417a	427-431	92-340	201, 202	Revision; savings provision.
4427(a), (b)	423, 424	92-339	1, 3	Existing text designated as (a); subsec. (b) added.
4839	207	92-310	228(b)(1), (2)	Amendment.
5136, par. 7	269, 236	92-318	133(c)(1), 2(c)(1), (2)	Do.
5136, par. 7	466	92-349	101	Do.
5136, par. 7	902	92-500	12(n)	Do.
5200(14)	270, 236	92-318	133(c)(2), 2(c)(1), (2)	Addition.
D.C.				
389	1108	92-543		Revision.

TABLE 3.—*Internal Revenue Code of 1939*

Affected section	Amendatory provisions			
	86 Stat.	Public Law	Section	Comment
None				

TABLE 4.—*Internal Revenue Code of 1954*

Affected section	Amendatory provisions			
	86 Stat.	Public Law	Section	Comment
112(d)	124, 125	92-279	1, 3(a)(1)	Additions; effective date.
152(b)(3)	1276	92-580	1(a), (c)	Amendment.
162	1276	92-580	3	Supplemental provision.
164(b)(2)(E)	1277	92-580	4(a), (b)	Addition.
165(a)	657	92-418	2(a)(1)	Exception.
165(h)	656, 657	92-418	2(a)(1), (2), (c)	Amendment.
165(h)(1)	406	92-336	2(a), (b)	Revision.
501(c)(19)	656	92-418	1(a), (c)	Addition.
512(a)(4)	656	92-418	1(b), (c)	Do.
873(b)(3)	1276	92-580	1(b), (c)	Revision.
881 (b), (c)	1497	92-606	1(e)(1), 2	Subsec. (b) redesignated as (c); new (b) added.
911(a)(2)	1357	92-603	124(a)(3), (b)(3)	Nonapplicability.
931(c)	1497	92-606	1(f)(1), 2	Amendment.
932(a)	1497	92-606	1(f)(2), 2	Do.
932(c)	1497	92-606	1(f)(3), 2	Revision.
935	1494, 1497	92-606	1(a), (f)(5), 2	Addition.
1401(a)(3)	420, 422	92-336	204(a)(1)(A), (c)	Amendment.
1401(a)(3)	1362, 1364	92-603	135(a)(1)(A), (c)	Do.
1401(a)(4), (5)	421, 422	92-336	204(a)(1)(B),(C),(c)	Par. (4) deleted; new (4), (5) added.
1401(a)(4), (5)	1362, 1364	92-603	135(a)(1)(B), (c)	Deletion; new par. (4) added.
1401(b)(2)-(5)	421, 422	92-336	204(b)(1), (c)	Deletion; new pars. (2)-(5) added.
1401(b)(2)-(5)	1363, 1364	92-603	135(b)(1), (c)	Do.
1402(a)	1353, 1354	92-603	121(b)(1), (c)	Amendment.
1402(a)(8)	1366	92-603	140(b)(1), (2), (c)	Do.
1402(a)(11)	1357	92-603	124(b)(1)-(3), (c)	Addition.
1402(b)(1)(F)	418, 420	92-336	203(b)(1)(A), (c)	Amendment.
1402(b)(1)(G)-(I)	419, 420	92-336	203(b)(1)(B), (c)	Addition.
1402(i)	1354	92-603	121(b)(2), (c)	Do.
1442(c)	1497	92-606	1(e)(2), 2	Do.
2039(d)	1276	92-580	2(a), (b)	Do.
3101(a)(3)	421, 422	92-336	204(a)(2)(A), (c)	Amendment.
3101(a)(3)	1362, 1364	92-603	135(a)(2)(A), (c)	Do.
3101(a)(4)-(6)	1362, 1364	92-603	135(a)(2)(B), (c)	Pars. (4), (5) deleted; new (4)-(6) added.
3101(a)(4), (5)	421, 422	92-336	204(a)(2)(B), (c)	Deletion; new pars. (4), (5) added.

TABLE 4.—*Internal Revenue Code of 1954*—Continued

Affected section	Amendatory provisions			
	86 Stat.	Public Law	Section	Comment
3101(b)(2)–(5)	421, 422	92–336	204(b)(2), (c)	Deletion; new pars. (2)–(5) added.
3101(b)(2)–(5)	1363, 1364	92–603	135(b)(2), (c)	Do.
3111(a)(3)	421, 422	92–336	204(a)(3)(A), (c)	Amendment.
3111(a)(3)	1363, 1364	92–603	135(a)(3)(A), (c)	Do.
3111(a)(4)–(6)	1363, 1364	92–603	135(a)(3)(B), (c)	Pars. (4), (5) deleted; new (4)–(6) added.
3111(a)(4), (5)	421, 422	92–336	204(a)(3)(B), (c)	Deletion; new pars (4), (5) added.
3111(b)(2)–(5)	422	92–336	204(b)(3), (c)	Deletion; new pars. (2)–(5) added.
3111(b)(2)–(5)	1364	92–603	135(b)(3), (c)	Do.
3121(a)(1)	419, 420	92–336	203(b)(2)(A), (c)	Amendment.
3121(a)(1)	419, 420	92, 336	203(b)(2)(B), (c)	Amendment; effective date.
3121(a)(1)	419, 420	92–336	203(b)(2)(C), (c)	Do.
3121(a)(1)	1356	92–603	123(c)(2)	Applicability.
3121(a)(9)	1341	92–603	104(i), (j)(1)	Revision.
3121(a)(14)	1354	92–603	122(b), (c)	Addition.
3121(a)(15)	1365, 1366	92–603	138 (b), (c)	Do.
3121(b)(6)(B)(ii)	1357	92–603	125(a)	Supplemental provision.
3121(b)(7)(B) (i), (ii)	1358	92–603	128(b)	Applicability.
3121(b)(7)(D)	1358	92–603	128(b), (c)	Addition.
3121(b)(8)(A)	1354	92–603	123(a)(2)	Amendment.
3121(b)(10)(B)	1359	92–603	129(a)(2), (b)	Revision.
3121(i)(4)	1356	92–603	123(c)(2)	Addition.
3121(k)(3)	1356	92–603	123(b)	Exception.
3121(r)	1354	92–603	123(b)	Addition.
3122	419, 420	92–336	203(b)(3)(A), (c)	Amendment.
3122	419, 420	92–336	203(b)(3)(B), (c)	Amendment; effective date.
3122	419, 420	92–336	203(b)(3)(C), (c)	Do.
3125(a)–(c)	419, 420	92–336	203(b)(4)(A), (c)	Amendment.
3125(a)–(c)	419, 420	92–336	203(b)(4)(B), (c)	Amendment; effective date.
3125(a)–(c)	419, 420	92–336	203(b)(4)(C), (c)	Do.
3301	398	92–329	2(a)	Amendment.
3401–3404	936, 941	92–512	202(a)	Applicability.
3401(a)(1)	125	92–279	2, 3(b)	Revision.
4161(a), (b)	1173	92–558	201(a)(1), (2), (b)	Existing text designated as (a) and amended; subsec. (b) added.
4182	1172	92–558	101(a)	Applicability.
6001–7852	936	92–512	202(a)	Do.
6015	941	92–512	202(a)	Do.
6017A	935	92–512	144(a)(1), (2)	Addition.
6051(a)	1459	92–603	293(a)(1), (d)	Amendment.
6051(a)(7), (8)	1459	92–603	293(a)(2), (3), (d)	Deletion.
6051(c)	1459	92–603	293(b), (d)	Amendment.
6051(e)	1459	92–603	293(c), (d)	Addition.
6157(b)	398	92–329	2(b)	Amendment.
6211–6216	936	92–512	144(b)(1)	Nonapplicability.

TABLE 4.—*Internal Revenue Code of 1954*—Continued

Affected section	Amendatory provisions			
	86 Stat.	Public Law	Section	Comment
6361–6365	936–945	92–512	202(a), (b), 204(a), (b)	Addition.
6361–6365	941	92–512	202(a)	Applicability.
6362(f)(1)	943	92–512	202(a)	Exception.
6405(d)	657	92–418	2(b), (c)	Addition.
6405(e)	944, 945	92–512	203(a), 204(a)	Do.
6413(a)(2)(A)	420	92–336	203(b)(6), (c)	Amendment.
6413(c)(1)	419, 420	92–336	203(b)(5)(A)–(C), (c)	Do.
6413(c)(2)(A)	1370	92–603	144(c)	Do.
6654(d)(2)(B)(ii)	420	92–336	203(b)(7)(A), (c)	Do.
6654(d)(2)(B)(ii)	420	92–336	203(b)(7)(B), (c)	Amendment; effective date.
6654(d)(2)(B)(ii)	420	92–336	203(b)(7)(C), (c)	Do.
6687	936	92–512	144(b)(1), (2)	Addition.
6687	1496, 1497	92–606	1(c), (f)(7), 2	Addition (relating to penalties regarding information required for collection coordination of U.S. and Guam income taxes).
6803(a)	209	92–310	230(a)	Repeal.
7101	209	92–310	230(b)	Amendment.
7103(e)	209	92–310	230(c)	Repeal.
7402(d)	209	92–310	230(d)	Do.
7463	945	92–512	203(b)(2), (3), 204(c)	Heading amended.
7463(a)	945	92–512	203(b)(2), 204(c)	Amendment.
7463(f)	945	92–512	203(b)(1), 204(a)	Addition.
7654	1495, 1497	92–606	1(b), (f)(6), 2	Revision.
7701(a)(12)(B)	1497	92–606	1(f)(4), 2	Amendment.
7803(c)	209	92–310	230(e)	Repeal.
8001–8023	936	92–512	202(a)	Applicability.

TABLE 5(a).—*Positive Law Titles of United States Code*

(The following titles of the U.S. Code have been enacted into positive law: Titles 1, 3, 4, 5, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, 37, 38, 39, and 44.)

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
1	112b	619	92–403	1, 2	Addition.
3	109	202	92–310	201	Amendment.
5	101–8913	85	92–255	502(a)	Partial exception.
5	101–8913	328, 331	92–318	301(a)(2)	Do.
5	101–8913	498	92–352	605(a)	Do.
5	101–8913	649	92–412	208(b)(1)	Applicability.
5	101–8913	807	92–489	4(b)	Partial exception.
5	101–8913	956	92–513	202(1), (4)	Do.
5	101–8913	1043	92–522	201(e)	Do.
5	101–8913	1269	92–578	4(a)	Do.
5	101–8913	1322	92–598	3(b)	Do.
5	101–8913	1422	92–603	243(a)	Do.
5	101–8913	1441, 1457	92–603	209F(b), 288(a)	Do.

TABLE 5(a).—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
5	500–576	427	92–340	104	Applicability.
5	551–559	935	92–512	142(b)	Do.
5	552	228	92–316	3(b)	Do.
5	552	774, 775	92–463	10(b), 13	Do.
5	553	226	92–314	203	Do.
5	553	292	92–318	161(a)	Do.
5	553(a)(2)	226	92–314	203	Exception.
5	553(a)(2)	292	92–318	161(a)	Do.
5	554	156	92–303	5(7)	Applicability.
5	554	890, 891	92–500	2	Do.
5	575(c)(10)	1048	92–526	1(a)	Revision.
5	575(c) (11)–(15)	1048	92–526	1(b)	Pars. (11), (12) redesignated as (14), (15); new (11)–(13) added.
5	576	1048	92–526	2	Revision.
5	701–706	427	92–340	104	Applicability.
5	2105(c)(1)	573–575	92–392	2, 9 (a)(2), 15(a)	Amendment; savings provision.
5	2109	141, 145	92–297	1(a), (b), 10	Addition.
5	3109	68	92–255	207	Exception.
5	3109	682	92–423	3(3)	Do.
5	3109(b)	1323	92–598	7(1)	Do.
5	3307	141, 142, 145	92–297	2(a), (b), 10	Revision.
5	3381–3385	142–145	92–297	3(a), (b), 10	Addition.
5	4101–4118	142	92–297	3(a)	Nonapplicability.
5	5101 *et seq*	1125	92–544		Exception.
5	5101–5115	328, 331	92–318	301(a)(2)	Do.
5	5101–5115	443	92–342		Do.
5	5101–5115	498	92–352	605(a)	Do.
5	5101–5115	808	92–489	4(b)	Do.
5	5101–5115	956	92–513	202(1)	Do.
5	5101–5115	1269	92–578	4(a)	Do.
5	5101–5115	1322	92–598	3(b)	Partial exception.
5	5108	323	92–318	186(a)(2)	Supplemental provision.
5	5108	343	92–318	441(b)	Do.
5	5108(c)(11)	112	92–261	12	Addition.
5	5301–5365	1269	92–578	4(a)	Exception.
5	5313(1)	1318	92–596	6	Revision.
5	5313(2)	490	92–352	104(1)	Do.
5	5313(6)	149	92–302	2(a), 3(a)	Addition.
5	5313(21)	69	92–255	212(a)	Do.
5	5314(9)	34	92–226	403	Amendment.
5	5314(9)	490	92–352	104(2)	Do.
5	5314(10)	149	92–302	2(b), 3(a)	Revision.
5	5314(58)	110	92–261	9(a)	Addition (relating to Equal Employment Opportunity Commission).
5	5314(59)	1211, 1233	92–573	4(h)(1), 34(1)	Addition.
5	5315(10)	490	92–352	104(3)	Revision.
5	5315(11)	676	92–419	604(b)	Do.
5	5315(23)	149	92–302	2(c)(1), 3(a)	Amendment.
5	5315(72)	110	92–261	9(b)	Revision.
5	5315(95)	69	92–255	212(b)	Addition.
5	5315(96)	149	92–302	2(c)(2), 3(a)	Do.
5	5315(97)	1211, 1233	92–573	4(h)(2), 34(1)	Do.
5	5315(97)	1488	92–603	404(b), (c)	Addition (relating to Commissioner of Social Security).

TABLE 5(a).—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
5	5316(28)	149	92-302	2(d), 3(b)	Deletion.
5	5316(51)	1488	92-603	404(a), (c)	Do.
5	5316(64)	149	92-302	2(d), 3(b)	Do.
5	5316(111)	110	92-261	9(c)	Repeal.
5	5316(131)	69	92-255	212(c)	Addition.
5	5316(131)	110	92-261	9(d)	Addition (relating to Equal Employment Opportunity Commission).
5	5331-5338	328, 331	92-318	301(a)(2)	Exceptions.
5	5331-5338	443	92-342		Exception.
5	5331-5338	498	92-352	605(a)	Do.
5	5331-5338	808	92-489	4(b)	Do.
5	5331-5338	956	92-513	202(1)	Do.
5	5331-5338	1322	92-598	3(b)	Partial exception.
5	5337(b)	573-575	92-392	3(1), 9(a)(2), 15(a)	Amendment; savings provision.
5	5337(c)	573-575	92-392	3(2), 15(a)	Addition.
5	5341-5349	443	92-342		Exception.
5	5341-5349	564-572, 574, 575	92-392	1(a), (b), 9(a)(2), 15(a)	Revision; savings provision.
5	5512(b)	202	92-310	202	Amendment.
5	5541(2)(xi)	573-575	92-392	4, 9(a)(2), 15(a)	Revision; savings provision.
5	5544(a)	573-575	92-392	5, 9(a)(2), 15(a)	Amendment; savings provision.
5	5548(a)	575, 574	92-392	12(a), 15(a), 9(a)(2)	Do.
5	5548(b)	575, 574	92-392	12(b), 15(a), 9(a)(2)	Do.
5	5550	574, 575	92-392	10(a), (b), 15(a)	Addition.
5	5584	760	92-453	3(1)(A), (2)	Catchline amended.
5	5584(a)	760	92-453	3(1)(B)	Amendment.
5	5584(b)(2)	760	92-453	3(1)(D)	Do.
5	5584(b)(3)	760	92-453	3(1)(C)-(E)	Addition.
5	5701-5709	801	92-484	7(e)(1)	Exception.
5	5701-5708	494	92-352	202	Do.
5	5703	862	92-500	2	Do.
5	5704	862	92-500	2	Do.
5	5731	801	92-484	7(e)(1)	Do.
5	6101(a)(1)	573-575	92-392	6, 9(a)(2), 15(a)	Revision; savings provision.
5	6102	573-575	92-392	7(a), (b), 9(a)(2), 15(a)	Repeal; savings provision.
5	7154(b)	573-575	92-392	8, 9(a)(2), 15(a)	Amendment; savings provision.
5	7501-7533	143	92-297	3(a)	Nonapplicability.
5	8101-8150	147	92-300	3(c)	Applicability.
5	8331 *et seq*	1125	92-544		Exception.
5	8331(1)(J)	490	92-352	105(a)(1)-(3), (b), (c)	Addition; savings provision.
5	8332(b)(3), (8)	144, 145	92-297	7(1), 10	Amendment.
5	8332(b)(9)	760	92-454	1(1)-(3)	Addition.
5	8334(c)	760	92-454	1(3)	Applicability.
5	8334(g)(5)	144, 145	92-297	7(2), 10	Amendment.
5	8335(f)	144, 145	92-297	4, 8, 10	Addition; nonapplicability.
5	8336(c)	539	92-382		Amendment.
5	8336(e)-(h)	144, 145	92-297	5(1), (2), 10	Subsecs. (e)-(g) redesignated as (f)-(h); new (e) added.
5	8339(e)-(n)	144, 145	92-297	6(1), (2), 10	Subsecs. (e)-(m) redesignated as (f)-(n); new (e) added.
5	8339(f)	144, 145	92-297	7(3)(A), 10	Redesignated subsec. (f) amended.

TABLE 5(a).—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
5	8339(h)–(l)	144, 145	92–297	7(3)(B)–(F), 10	Redesignated subsecs. (h)–(l) amended.
5	[1] 8339(i)	760	92–454	1(3)	Applicability.
5	8339(n)	145	92–297	7(3)(G), 10	Redesignated subsec. (n) amended.
5	8341(a)(3)(A)(iii)	56	92–243	1, 2	Addition.
5	8341(b)–(d)	145	92–297	7(4), 10	Amendment.
5	8344(a)	145	92–297	7(5)(B), 10	Do.
5	8344(a)(A)	145	92–297	7(5)(A), 10	Do.
5	8704(d)(2)	575, 574	92–392	11, 15(a), 9(a)(2)	Revision; savings provision.
5	8706(f)	1050	92–529		Addition.
6	1–15	202	92–310	203(4)	Heading revised.
6	1–5	202	92–310	203(1), (3)	Repeal.
6	6	202	92–310	203(2)	Amendment.
6	14	202	92–310	203(1), (3)	Repeal.
10	101(2)	810	92–492	1	Amendment.
10	133(d)	1318	92–596	7	Exception.
10	134	1318	92–596	4(1), (3)	Revision.
10	135(c)	1318	92–596	4(2)	Amendment.
10	136(e)	1318	92–596	4(2)	Do.
10	171(a)(2)	1318	92–596	5	Do.
10	503(a)(17)	713	92–425	6(2)	Revision.
10	701(b)	1317	92–596	1(2)	Exception.
10	701(b)	1317, 1318	92–596	1(1), 3	Amendment; effective date.
10	701(f)	1317	92–596	1(2)	Exception.
10	701(g)	1317, 1318	92–596	1(2), 3	Addition; effective date.
10	703(b)	795	92–481		Amendment.
10	1401	761	92–455	1	Do.
10	1431–1455 (ch. 73)	706, 711	92–425	1(1), 2	Chapter heading amended; subchapter analysis added.
10	1431–1446	706	92–425	1(1)	Designation as subch. I.
10	1431–1446	712	92–425	3(c)	Applicability.
10	1435–1442	706	92–425	1(2)(A)	Amendment.
10	1436(b)	711	92–425	3(b)(2)	Exception.
10	1443	706	92–425	1(2)(B)	Repeal.
10	1444	706	92–425	1(2)(C)	Catchline amended.
10	1444(a), (c)	706	92–425	1(2)(A)	Amendment.
10	1444(b)	706	92–425	1(2)(C)	Repeal.
10	1445	706	92–425	1(2)(A)	Amendment.
10	1446	706	92–425	1(2)(A)	Do.
10	1447–1455	706–711	92–425	1(3), 3(a), (c)	Addition (subch. II); applicability; exception.
10	1449	712	92–425	3(f)	Applicability.
10	1453	712	92–425	3(f)	Do.
10	1454	712	92–425	3(f)	Do.
10	2112–2127	713–719	92–426	2(a), (b)	Addition.
10	2126	715	92–426	2(a)	Applicability.
10	2544	62	92–249		Addition.
10	2662(e)	1154	92–545	709	Do.
10	2683(a)	1154	92–545	707	Revision.
10	2735	649	92–413		Do.
10	2774	758, 759	92–453	1(1), (2)	Addition.
10	4342(a)(1)	505	92–365	1(1)	Amendment.
10	4774	1190, 1191	92–570		Exceptions.
10	4774(d)	53	92–242		Exception.
10	4774(d)	1151, 1155	92–545	701, 802	Do.
10	4802	654	92–417	1(1), (2)	Heading revised.

[1] Referred to in text as 8339(h).

TABLE 5(a).—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
10	4802(a)	654	92–417	1(1)	Revision.
10	4804	654	92–417	1(3)	Do.
10	4834	202	92–310	204(a), (b)	Repeal.
10	5457(a)(3)	1173	92–559	1(a)	Revision.
10	5457(a)(6), (7)	1173	92–559	1(b)	Cl. (6) redesignated as (7); new (6) added.
10	6026	202, 203	92–310	204(a), (c)	Repeal.
10	6954(a)(1)	505	92–365	1(2)	Amendment.
10	7307	118	92–270	1	Exception.
10	7365	654	92–417	1(4)	Revision.
10	7545(c)	1278	92–581	2	Nonapplicability.
10	7622(a)	654	92–417	1(5)	Revision.
10	8202	1175	92–561	1(2)	Supplemental provision.
10	8202(a)	1175	92–561	1(1)	Termination date of 1966 amendment.
10	9342(a)(1)	505	92–365	1(3)	Amendment.
10	9774	1193, 1194	92–570		Exceptions.
10	9774(d)	1151, 1155	92–545	701, 802	Exception.
10	9802	655	92–417	1(6),(7)	Heading revised.
10	9802(a)	655	92–417	1(6)	Revision.
10	9804	655	92–417	1(8)	Do.
13	42(a)	400	92–331	4	Do.
13	45	400	92–331	3	Do.
14	41	755, 757	92–451	1(1), 3	Amendment; applicability.
14	42(e)	755, 757	92–451	1(2), 3	Do.
14	44	755, 757	92–451	1(3), 3	Do.
14	47	755–757	92–451	1(4), (8), 3	Do.
14	47(a)	755, 757	92–451	1(4), 3	Do.
14	47(b)	755, 757	92–451	1(4), 3	Do.
14	50	755–757	92–451	1(5), (8), 3	Addition; applicability.
14	51	755–757	92–451	1(5), (8), 3	Do.
14	253	756	92–451	1(7)	Applicability.
14	254	756	92–451	1(7)	Do.
14	258	756	92–451	1(7)	Do.
14	260	756	92–451	1(7)	Do.
14	287	755, 757	92–451	1(6), 3	Amendment; applicability.
14	290	756, 757	92–451	1(7), (9), 3	Addition.
14	290(b)–(g)	757	92–451	3	Applicability.
14	423	761	92–455	2	Amendment.
14	475(a)	450	92–343	4(1)	Revision.
14	475(e)	451	92–343	4(2)	Do.
14	475(f), (g)	451	92–343	4(3)	Addition.
14	646	655, 656	92–417	2(a), (b)	Revision.
14	764	794, 795	92–479	1, 2	Addition.
17	204	203	92–310	205(a), (b)	Repeal.
18	101 *et seq*	936	92–512	202(a)	Applicability.
18	111	110	92–261	8(g)	Applicability; exception.
18	112	1072, 1073	92–539	301, 302	Revision.
18	500	722	92–430		Do.
18	591	8, 20	92–225	201, 406	Do.
18	600	9, 20	92–225	202, 406	Do.
18	608	9, 11, 20	92–225	203, 207(1), 406	Do.
18	609	10, 11, 20	92–225	204, 207(2), 406	Repeal.
18	610	10, 20	92–225	205, 406	Amendment.
18	611	10, 11, 20	92–225	206, 207(3), 406	Revision.
18	715	461, 462	92–347	3(b), (c)	Addition.
18	970	1073	92–539	401, 402	Do.
18	1114	110	92–261	8(g)	Applicability; exception.
18	1116, 1117	1071	92–539	101, 102	Addition.
18	1201	1072	92–539	201, 202	Revision.

TABLE 5(a).—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
18	3651	136	92-293	1	Amendment.
18	4203(a)	136	92-293	2	Do.
18	4251(c)	677	92-420	3, 5	Revision.
23	125(a)(1)	503	92-361		Do.
23	129(a)(3)	732, 733	92-434	7, 9	Revision; applicability.
28	122(2)-(4)	529	92-376	1(a)-(c)	Amendment.
28	371-376	579	92-397	3(a)	Heading revised.
28	375	579	92-397	1	Revision.
28	376(a)-(c), (e)-(g), (i)-(k), (n), (o).	579, 580	92-397	2, 3(b), (c)	Amendment.
28	564	203	92-310	206(a)(1), (2)	Repeal.
28	566(a), (b)	203	92-310	206(b)(1), (2)	Designation "(a)" deleted; subsec. (b) deleted.
28	604(a)(7)	580	92-397	4	Amendment.
28	634(a)	721	92-428		Do.
28	636	47	92-239	2, 3	Heading revised.
28	636(e)	47	92-239	1	Addition.
28	671(b)	203	92-310	206(c)	Repeal.
28	674(d)	203	92-310	206(d)	Partial repeal.
28	677	46	92-238	1, 2	Addition.
28	797	529	92-375	1, 2	Do.
28	952	203	92-310	206(e)(1), (2)	Repeal.
28	954	203	92-310	206(f)(1), (2)	Partial repeal; heading amended.
28	1331	1226	92-573	23(a)	Applicability.
28	1346(f)	1176	92-562	1	Addition.
28	1402(d)	1176	92-562	2	Do.
28	1491	652	92-415	1, 2	Amendment.
28	1863(b)(4)	117	92-269	2	Do.
28	1865(b)(1)	117	92-269	1	Do.
28	1869(h)	740, 741	92-437	1, 2	Revision.
28	2409a	1176, 1177	92-562	3(a), (b)	Addition.
28	2414	1302	92-589	3(m)	Applicability.
28	2415(a)	499	92-353	1(a)	Amendment.
28	2415(a)	803	92-485	1(a)	Do.
28	2415(b)	499	92-353	1(b)	Do.
28	2415(b)	803	92-485	1(b)	Do.
28	2464	786	92-471	106	Exception.
28	2464	1327	92-601	3(f)	Do.
28	2517	1302	92-589	3(m)	Applicability.
28	2680(k)	493	92-352	202	Exception.
28	2901(d)	677	92-420	2, 5	Revision.
32	101(1)	810	92-492	2(a)	Amendment.
32	307(g)	810	92-492	2(b)	Addition.
32	708(b)(1)	203	92-310	207	Repeal.
32	715(b)(4)	745	92-445		Amendment.
32	716	759	92-453	2(1), (2)	Addition.
35	5	203	92-310	208(a), (b)	Repeal.
35	102(d)	502	92-358	2, 3(b)	Revision.
35	119	501, 502	92-358	1, 3(a)	Amendment.
37	101(7)	810	92-492	3	Do.
37	101(9)	810	92-492	3	Do.
37	202(f)	757	92-451	2, 3	Revision.
37	203(a)	761	92-455	3	Amendment.
37	301(a)(2)(A)	740	92-436	605	Revision.
37	308(c)	1278	92-581	1(3)	Exception.
37	312	1277	92-581	1(1)	Catchline amended.
37	312(a)(2)	1277	92-581	1(2)(A)	Deletion.
37	312(a)(5)	1277	92-581	1(2)(B)	Amendment.
37	312(c)-(e)	1277	92-581	1(2)(C)-(E)	Do.
37	312a	1277, 1278	92-581	1(3), (4)	Addition.
37	501(d)	1318	92-596	2(1), 3	Amendment; effective date.

TABLE 5(a).—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
37	501(h)	1318	92-596	2(2), 3	Addition; effective date.
37	552(a)	796	92-482		Revision.
37	554	793	92-477	1(1)	Catchline amended.
37	554(a)	793	92-477	1(2)	Amendment.
37	554(b)	793	92-477	1(3)	Do.
38	101(4)	1092	92-540	407	Do.
38	102	1092	92-540	408(2), 409	Heading revised.
38	102(b)	1092	92-540	408(1)	Revision.
38	210(c)(3)	396, 398	92-328	201, 301(c)	Addition.
38	240	1092	92-540	410(a)	Amendment.
38	241(1)	1092	92-540	410(b)	Do.
38	314(a)-(p)	393, 398	92-328	101(a)(1)-(15), 301(a)	Do.
38	314(r), (s)	393, 398	92-328	101(a)(16), (17), 301(a)	Do.
38	315(1)(A)-(I)	394, 398	92-328	102(1)-(9), 301(a)	Do.
38	334	396, 398	92-328	108(a), 301(b)	Amendment; effective date.
38	335	396, 398	92-328	108(b), 301(b)	Do.
38	336	396, 398	92-328	108(c), (d), 301(b)	Repeal; effective date.
38	362	394, 398	92-328	103(a), (b), 301(a)	Addition.
38	411	761	92-455	4	Amendment.
38	415(g)(1)(M)	713	92-425	6(1)	Revision.
38	536(d)	395, 398	92-328	107, 301(a)	Addition.
38	765(1)(D)	227	92-315	1(1)-(3)	Do.
38	765(5)(A)	227	92-315	1(4)	Amendment.
38	802	432	92-341		Do.
38	1502(b)	1080	92-540	301	Do.
38	1502(d)	1074	92-540	101(1)	Addition.
38	1504(b)	1074, 1099	92-540	101(2), 601(a)	Revision.
38	1507	1074, 1099	92-540	101(3), 601(a)	Amendment.
38	1651-1697A	1085	92-540	316(1)	Applicability.
38	1661(a)	1089	92-540	401(1)	Amendment.
38	1671	1080	92-540	302	Revision.
38	1672	1090	92-540	401(6), 404(a)(1)	Deletion.
38	1673(d)	1090	92-540	401(2)	Amendment.
38	1675	1090	92-540	401(6), 404(a)(1)	Deletion.
38	1677(b)	1075, 1099	92-540	102(1), 601(a)	Amendment.
38	1677(b)	1090	92-540	401(3)	Do.
38	1681-1685	1091	92-540	404(b)	Heading revised.
38	1681	1079, 1091	92-540	202, 404(a)(2)	Revision.
38	1682(a)(1)	1075, 1091, 1099	92-540	102(2), 404(a)(2), 601(a)	Table revised.
38	1682(a)(1)	1090	92-540	401(4)	Amendment.
38	1682(b)	1075, 1099	92-540	102(3), 601(a)	Do.
38	1682(b)	1090	92-540	401(5)	Do.
38	1682(c)	1081, 1099	92-540	303, 602(b)	Deletion; savings provision; subsec. (d) redesignated as (c).
38	1682(c)(1)	1081	92-540	303(3)	Redesignated subsec. (c) amended.
38	1682(c)(1)(A)-(C)	1081	92-540	303(1), (2)	Do.
38	1682(c)(2)	1075, 1099	92-540	102(4), 601(a)	Table revised. (Redesignated subsec. (c).)
38	1682(d)	1081	92-540	303	Redesignated as subsec. (c).
38	1683	1090, 1091	92-540	401(6), (7), 404(a)(2)	Deletion; sec. 1686 redesignated as 1683.

TABLE 5(a).—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
38	1684	1081, 1091	92-540	304, 404(a)(2)	Deletion; new sec. 1684 added.
38	1685	1079, 1091	92-540	203, 404(a)(2)	Deletion; new sec. 1685 added.
38	1686	1090, 1091	92-540	401(7), 404(a)(2)	Redesignated as sec. 1683.
38	1687	1090, 1091	92-540	401(6), 404(a)(2)	Deletion.
38	1691(b)	1081	92-540	305	Revision.
38	1692	1081	92-540	306(1)	Amendment.
38	1692(b)	1081	92-540	306(2)	Do.
38	1696(b)	1075, 1099	92-540	102(5), 601(a)	Do.
38	1696(b)	1081	92-540	307	Do.
38	1697A	1082, 1091	92-540	308, 404(a)(3)	Addition.
38	1700-1766	1085	92-540	316(1)	Applicability.
38	1701(a)(6)	1083	92-540	309(1)	Revision.
38	1701(a)(9)	1083	92-540	309(2)	Addition.
38	1712(a)	1099	92-540	604(b)	Exception.
38	1712(a)(2)	1090	92-540	402(1)	Amendment.
38	1712(b)	1099	92-540	604(a), (b)	Exception.
38	1720(a)	1083	92-540	310	Amendment.
38	1722	1090, 1091	92-540	402(2), 405(1)	Deletion.
38	1723(c)	1083	92-540	311(1)	Revision.
38	1723(d)	1083	92-540	311(2)	Amendment.
38	1725	1090, 1091	92-540	402(2), 405(1)	Deletion.
38	1731(a)	1083	92-540	312(1)	Amendment.
38	1731(b)-(e)	1084	92-540	312(2), (3)	Subsecs. (b), (c), (e) deleted; (d) redesignated as (b).
38	1732(a)(1)	1075, 1099	92-540	103(1), 601(a)	Revision.
38	1732(a)(2)	1076, 1099	92-540	103(2), 601(a)	Amendment.
38	1732(b)	1076, 1099	92-540	103(3), 601(a)	Do.
38	1733	1084, 1091	92-540	313, 405(2)	Revision.
38	1734	1084, 1091	92-540	313, 405(2)	Do.
38	1735	1090	92-540	402(4), 405(2)	Amendment.
38	1736	1090, 1091	92-540	402 (2), (3), 405(2)	Sec. 1736 deleted; 1737 redesignated as 1736.
38	1737	1090, 1091	92-540	402(3), 405(2)	Redesignated as sec. 1736.
38	1742(a)	1076, 1099	92-540	103(4), 601(a)	Revision.
38	1770(b)	1090	92-540	403(1)	Amendment.
38	1771(a)	1090	92-540	403(2)	Do.
38	1772	1090	92-540	403(3)	Do.
38	1772(a)	1090	92-540	403(4)	Do.
38	1772(c)	1090	92-540	403(5)	Do.
38	1773(a)	1090	92-540	403(6)	Do.
38	1774(a)	1090	92-540	403(7)	Do.
38	1774(b)	1092	92-540	411	Revision.
38	1777	1084	92-540	314	Amendment.
38	1780	1076, 1091, 1099	92-540	201, 406(1), 603 (a), (b)	Addition.
38	1781	1090	92-540	403(8)	Amendment.
38	1782	1090	92-540	403(9)	Do.
38	1783	1090	92-540	403(10)	Do.
38	1784(a)	1084	92-540	315(1)	Do.
38	1784(b)	1084	92-540	315(1)-(3)	Do.
38	1785	1090	92-540	403(11)	Do.

TABLE 5(a).—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
38	1786	1084, 1092, 1099	92-540	316(1), 406(2), 602(a)	Deletion; new sec. 1786 added.
38	1787	1084, 1092, 1099	92-540	316(1), 406(2), 601(a)	Deletion; new sec. 1787 added.
38	1788-1795	1086-1089, 1092	92-540	316(2), 406(2)	Secs. 1788-1791 redesignated as 1792-1795; new 1788-1791 added.
38	1792	1089	92-540	316(3)	Redesignated sec. 1792 amended.
38	1793	1090	92-540	403(12)	Redesignated sec. 1793 amended.
38	1795	1090	92-540	403(13)	Redesignated sec. 1795 amended.
38	1817(a), (b)	397, 398	92-328	204, 301(c)	Existing text designated as (a); subsec. (b) added.
38	1820(a)(4)	397, 398	92-328	205, 301(c)	Amendment.
38	2001-2008	1094-1097, 1099	92-540	502(a), (b), 601(b)	Revision.
38	2011-2013	1097-1099	92-540	503(a), (b), 601(b)	Addition.
38	3021(a)	395, 398	92-328	105(b), 301(a)	Amendment.
38	3102	396-398	92-328	202(a), 203, 301(c)	Revision.
38	3102(a)	396	92-328	202(b)	Applicability.
38	3107	1099	92-540	505, 601(b)	Amendment.
38	3202(d)	395, 398	92-328	105(a), 301(a)	Do.
38	3203(a)	394, 398	92-328	104(a), (b), 301(a)	Repeal; subsec. (d) redesignated as (a).
38	3203(a)(2)	395	92-328	106	Applicability. (Former subsec. (a).)
38	3203(b)(1)-(4)	394, 398	92-328	104(c), (d), 301(a)	Pars. (1), (2) redesignated as (1) and revised; pars. (3), (4) redesignated as (2), (3).
38	3203(b)(1)	395	92-328	106	Applicability.
38	3203(b)(2)	394, 398	92-328	104(d), 301(a)	Amendment. (Redesignated par. (2).)
38	3203(c)	395, 398	92-328	104(e), 301(a)	Amendment.
38	3203(d)-(f)	394, 395, 398	92-328	104(b), (f), (g), 301(a)	Subsec. (d) redesignated as (a); (e), (f) redesignated as (d), (e).
38	3203(e)	395, 398	92-328	104(f), 301(a)	Amendment. (Former subsec. (e).)
38	3301	1093	92-540	412(1)	Amendment.
38	3301(9)	1093	92-540	412(2)	Addition.
38	3503(d)(1), (2)	397, 398	92-328	206, 301(c)	Existing text designated as (1); par. (2) added.
38	4101-4117	1108	92-541	3(b)(1)	Designation as subch. I.
38	4121-4124	1107, 1108	92-541	3(a), (b)(2)	Addition (subch. II).
38	4204(4)	204	92-310	209	Amendment.
38	5012(a)	1103	92-541	2(a)	Nonapplicability.
38	5070-5096	1100-1107	92-541	2(a), (b)	Addition.
39	3401(b)(1)-(3)	782	92-469	1	Deletion; new subpars. (1)-(3) added.
39	3401(c)-(f)	783	92-469	2(1), (2)	Subsecs. (c)-(e) redesignated as (d)-(f); new (c) added.
39	5005(b)(2)	133	92-286		Amendment.
44	301	204	92-310	210(a)(1)-(3)	Partial repeal; heading amended.
44	308(b)	204	92-310	210(b)(1), (2)	Amendment.
44	501	1119	92-544		Exception.
44	501	1323	92-598	7(10)	Do.
44	906	528	92-373		Amendment.
44	1911	507	92-368	1(a)	Nonapplicability.
44	1915	507	92-368	1(a), (b)	Addition.
44	2501	1155	92-546	1(a)	Amendment.
44	2503	1155	92-546	1(b)	Do.

TABLE 5(a).—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
44	2504(a), (b)	1155	92-546	1(c)	Existing text designated as (a); subsec. (b) added.
44	3702	1119	92-544		Exception.
44	3702	1323	92-598	7(11)	Do.
44	3703	1119	92-544		Do.
44	3703	1323	92-598	7(12)	Do.

TABLE 5(b).—*Positive Law Titles of District of Columbia Code*

(The following titles of the D.C. Code have been enacted into positive law: Titles 11-21, 23, and 28 (Subtitles I and II))

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
12	12-310	1275, 1276	92-579	1(a), (b), (2)	Addition.

TABLE 5(c).—*Canal Zone Code*

Provisions affected		Amendatory provisions			
Title	Section	86 Stat.	Public Law	Section	Comment
2	121(a)(2), (3)	215	92-310	240(1)-(3)	Par. (2) deleted; (3) redesignated as (2).

TABLE 6.—*Reorganization Plans*

Provisions affected			Amendatory provisions			
Year	Statutes vol.: page	Plan	86 Stat.	Public Law	Section	Comment
1950	64:1280	No. 26, sec. 3.	149	92-302	1(d), 3(b)	Repeal.

TABLE 7.—*Veterans Regulations*

Provisions affected			Amendatory provisions			
Vets. regs.	Part	Paragraph	86 Stat.	Public Law	Section	Comment
None						

TABLE 8(a).—*Executive Orders*

Number	Date	Amendatory provisions			
		86 Stat.	Public Law	Section	Comment
	1908				
E.O. 848	June 26	790, 791	92–474	1, 4	Exclusion of certain lands; addition of lands.
	1915				
E.O. 2160	Apr. 6	790	92–474	1	Exclusion of certain lands.
	1970				
E.O. 11512	Feb. 27	489	92–351	610	Applicability.

TABLE 8(b).—*Proclamations*

Number	Date	Amendatory provisions			
		86 Stat.	Public Law	Section	Comment
	1908				
793	Jan. 9	121	92–272	301(9), 302	Boundary revision.
	1910				
959	Mar. 23	904	92–501	2	Name redesignation.

TABLE 9.—*Treaties and Other Agreements*

Provisions affected				Amendatory provisions			
Date	Series No.	Stat.	Identification	86 Stat.	Public Law	Section	Comment
None							

TABLE 10.—*Provisions Respecting General Repeals, Conflicts, Etc.*

86 Stat.	Public Law	Section	Comment
21	92–226	101(c)(2)	Bilateral lending programs, reduction.
24	92–226	109	International narcotics control programs, assistance to participating countries or international organizations, Presidential authority.
27	92–226	301	Pakistan, foreign assistance suspension.
28	92–226	304(b)	Foreign assistance funds, limitation.
29	92–226	304(b)	Cambodia, foreign assistance, limitation.
35	92–226	407(b)	State Department appropriations, prior authorization requirement.
35	92–226	407(d)	Secretary of State or U.S. information and educational exchange programs, appropriations, prior authorization requirement.

TABLE 10.—*Provisions Respecting General Repeals, Conflicts, Etc.*—Continued

86 Stat.	Public Law	Section	Comment
53	92–242		Civil service or classification laws, exception.
53	92–242		Non-citizens, payment restrictions, exception.
99	92–260	5	Oregon Dunes National Recreation Area, Federal property, jurisdictional transfer to Secretary of Agriculture; exception.
101	92–260	10	Oregon Dunes National Recreation Area, mining and mineral leasing laws, withdrawal of certain lands.
108	92–261	6	State fair employment practices laws, administration by State and local agencies, reimbursement.
113	92–261	13	Equal employment opportunity laws, certain government contractors, hearing and adjudication.
118	92–270	1	Naval vessel loans, exception to laws prohibiting.
121	92–272	303	Laws governing national park system, applicability.
122	92–272	401	Ozark National Scenic Riverways, Mo., lands acquired by U.S., reversion provision.
131	92–281	1(a)	D.C. public schools, teachers, officers and employees, salary contributions for annuity contract purchase, exception to laws regarding.
140	92–296	1	Certain passenger vessels, sale and transfer to foreign ownership.
146	92–298	2(a)	Government employees, wage schedule adjustment.
147	92–300	1	Civil service laws, exception.
147	92–300	3(a)	Federal employment laws, nonapplicability.
209	92–310	229(f)(2)	Indian Service, disbursing agents, official misconduct, applicability of certain laws.
215	92–310	250	Federal Government, military and civilian employees, repeal of all laws providing for surety or fidelity bonds.
222	92–313	8(a), (b)	D.C., Congressional Hotel, space utilization, authority of House Office Building Commission; applicability of laws relating to House Office Buildings.
282	92–318	139C(a)	Student grants, loans, or loan guarantees, affidavit of educational purpose.
296	92–318	161(a)	Real property, laws relating to acquisition, handling, and disposal by U.S., exception.
304	92–318	161(b)(4)	Academic facilities construction, unobligated funds, reappropriation.
332	92–318	301(a)(2)	National Institute of Education, funds available.
348	92–318	504(a)	U.S. ethnic heritage, educational programs, funds available.
358	92–318	706(d)(2)	Education assistance, waiver of ineligibility, approval by Secretary of Health, Education, and Welfare.
372	92–318	803	School attendance areas, transfer or transportation of students to achieve racial balance, effectiveness of court orders: postponement; expiration date.
391	92–326	4	Acquisition of Federal property by transfer.
404	92–334	103	Laws governing apportionment of funds, exception.

TABLE 10.—*Provisions Respecting General Repeals, Conflicts, Etc.*—Continued

86 Stat.	Public Law	Section	Comment
411	92-336	201(h)(1)	Social security benefits, preservation of amounts.
444	92-342		Procurement of services by contract, exception to laws regarding.
446	92-342		Aliens, employment restrictions, exception.
474, 477	92-351		Government service, employment and compensation, exception to laws regarding.
475	92-351		Executive residence, operating expenses, disposition of funds by President.
475, 477	92-351		Government funds, expenditure, exception to laws regarding.
478	92-351		Federal employees, retirement and insurance programs, funds available.
492	92-352	106(b)	Military personnel and civilian employees, claims, reconsideration.
493	92-352	202	Civil service and classification laws, exception.
496	92-352	503	International narcotics control programs, assistance to participating countries and international organizations, Presidential authority.
501	92-357		Federal crop insurance, coverage.
511	92-369		Indians, distribution of judgment funds, restriction; exception.
517	92-369		National Park Service, recreation programs, transportation for children.
554, 555	92-385	1(a)	Small Business Administration disaster loans, maximum interest rate; principal cancellation.
557	92-385	5	Farm housing and emergency disaster loans, fiscal years 1972, 1973.
558	92-385	5	Agricultural crop disaster losses, loans, fiscal years 1972, 1973.
559	92-386	2	Copyright laws, exception.
575	92-392	13(a)	U.S. government prevailing rate employees, repeal of inconsistent laws.
581	92-398		Coast Guard, proficiency flying; flight pay requirements, exception.
611	92-399	502	Aliens, employment restrictions, exception.
613	92-400	3(d)	Acquisition of non-Federal property by exchange.
613	92-400	3(e)	U.S. mining and mineral leasing laws, withdrawal of certain lands from appropriation and disposition under.
613	92-400	3(g)	Acquisition of Federal property by transfer.
614	92-400	10	U.S. mining laws, exception.
620	92-404	3(c)	Do.
639	92-410	110	D.C. police force and fire department deputy chiefs, compensation.
639	92-410	110	D.C. police and firemen, pension relief allowance or retirement compensation increase, prohibition.
649	92-413		Military claims, finality of settlement.
655	92-417	2(a)	Admiralty claims against U.S., finality of settlements and payments.
668	92-419	201(c)	Water and soil conservation project agreements, authority of Secretary of Agriculture.
678	92-421	1	Supplemental National Forest Reforestation Fund, establishment and funding.
688	92-424	3(c)(2)	Community action and legal services programs, funds available, authority of Director of Office of Economic Opportunity.

TABLE 10.—*Provisions Respecting General Repeals, Conflicts, Etc.*—Continued

86 Stat.	Public Law	Section	Comment
715	92-426	2(a)	Uniformed Services University of the Health Sciences students, exclusion from prescribed military strengths.
718	92-426	2(a)	Armed Forces Health Professions Scholarship program members, exclusion from prescribed military strengths.
724, 725	92-433	1, 4(a)	Meals to needy school children, authority of Secretary of Agriculture.
733	92-434	9	International bridge construction and toll collection, exception to prior authorizations or agreements.
738	92-436	602(a)	Laos, economic and military assistance, limitation.
740	92-436	608	Israel, aircraft sales, authority of President, extension.
763	92-458	1	Japanese-Americans interned during World War II, prewar bank claims, assertion and payment.
788	92-472	5	Coeur d'Alene Reservation, Idaho, laws relating to Indian trust lands, applicability.
789	92-473	3(b)	Service contracts, term limitation.
794	92-479	1	Coast Guard reservists, active duty upon emergency augmentation of regular forces, authority of Secretary.
812	92-495	2, 4(a)	D.C., utilities facilities, relocation for conformity with urban redevelopment or interstate highway plans.
866, 867	92-500	2	Oil and hazardous substances, discharge into navigable waters, liability to U.S. government for removal costs.
884	92-500	2	Sewage sludge disposal, issuance of permits.
904	92-501	1	Sitka National Historical Park, Alaska, permanent improvements, authority of Secretary of Interior.
905	92-502	----------	Seizure, forfeiture, and condemnation laws, applicability.
914	92-507	3	Property acquisition, handling and disposal laws, exception.
1011	92-518	103(5)(B)	D.C. teachers, promotions, retroactive correction of administrative errors, authority of Board of Education.
1020	92-520	3	D.C., modification of streets, roads, highways, or alleys, exception to laws regarding.
1065	92-535	3	Seizure, forfeiture, and condemnation laws, applicability.
1066	92-536	2, 3	Cumberland Island National Seashore, Ga., acquisition of Federal property by transfer; parkway lands, administration.
1080	92-540	203	Veteran-student services, utilization, exception.
1098	92-540	504(2)	Uniformed services, members in missing status, power of attorney, extension.
1103	92-541	2(a)	New State medical schools, Veterans' Administration leased property, maintenance and restoration.
1109	92-544	----------	Government motor vehicle purchase, price limitation, exception.
1111, 1131	92-544	----------	Civil service and classification laws, exception.
1149	92-545	508(a)	Uniformed services personnel, rental of inadequate quarters, loss of basic quarters allowance prohibited.
1153	92-545	705(a)	Military public works, repeal of certain authorizations, exceptions.

TABLE 10.—*Provisions Respecting General Repeals, Conflicts, Etc.*—Continued

86 Stat.	Public Law	Section	Comment
1153	92-545	705(b)	Military family housing construction, repeal of certain authorizations, exceptions.
1154	92-545	706(2)	Military construction authorization acts, unit cost limitations, exception.
1154	92-545	707(a)	U.S. land controlled by military departments, relinquishment of legislative jurisdiction to States.
1154	92-545	708	Camp Pendleton, Calif., land disposal, prohibition.
1162	92-549	103	U.S.-Mexico boundary waters, land acquisition and disposal by U.S., exception to laws regarding.
1196	92-570	703	Non-citizens, employment restrictions, exception.
1199	92-570	714	Armed Forces, commissary stores, sales prices, adjustment.
1206	92-571	1(b)	Philippines, flood relief, authority of President.
1219	92-573	12(f)	Consumer Product Safety Commission attorneys, appearance and representation for Commission actions.
1272	92-578	6(14)	U.S. statutes governing wholly owned Government corporations, applicability.
1273	92-578	9(b)	District of Columbia Code, applicability.
1274	92-578	14(a)	General penal statutes, applicability.
1295	92-585	5	Department of Health, Education and Welfare, employment ceiling, exception.
1296	92-587	3(c)	Caprolactam monomer, duty suspension provisions.
1297	92-587	203(a)	Customs laws, applicability.
1300, 1301	92-589	3(a), (m)	Golden Gate National Recreation Area, Calif., administration of certain Army facilities; land acquisition contracts, authority of Secretary of Interior.
1305	92-591	4(a)(6)	Railroads in bankruptcy, disaster loans, security, exception.
1310	92-592	3(h)	Gateway National Recreation Area, N.Y.-N.J., acceptance of monetary donations, authority of Secretary of Interior.
1312	92-593	3(a)	U.S. mining laws, withdrawal of certain lands from location, patent, and entry under.
1319	92-597	----------	Civil service and classification laws, exception.
1321	92-597	----------	Youth Conservation Corps, appropriation, availability.
1388	92-603	221(a)	Civil service laws, exception.
1425	92-603	246(b)(4)	Medicare and Medicaid, skilled nursing facilities, information, availability.
1427	92-603	249A(f)	Medicare and Medicaid, skilled nursing facilities, Federal agreements, termination date.
1433	92-603	249F(b)	Professional Standards Review Organizations, duties, assumption.
1443	92-603	249F(b)	Professional Standards Review Organization, information provided, liability limitation.
1495	92-606	1(a)	Community property laws, exception.
1511, 1512	92-607	----------	D.C., U.S.-owned property, jurisdictional transfer to Architect of the Capitol.
1517	92-607	----------	Government service, employment and compensation, exception to laws regarding.

TABLES OF PRIOR LAWS AND OTHER FEDERAL INSTRUMENTS REFERRED TO IN TEXT

TABLE 11.—*General Legislation*

Date	Chapter	86 Stat.
1787		
Sept. 17	Constitution	8, 9, 11, 12, 112, 369, 470, 492, 888, 1073, 1243, 1494
1862		
July 2	130	673
1887		
Feb. 4	104	86, 942, 1164, 1248–1250, 1304, 1306, 1308, 1516
Mar. 2	314	595
1888		
June 29	496	893
1890		
Aug. 30	841	595, 673
1891		
Mar. 3	561	805
1893		
Mar. 2	196	1248
1894		
June 6	93	719
1895		
Jan. 12	23	592
21	37	805
1897		
Mar. 2	358	610
1898		
July 1	541	721, 1127, 1304, 1305
1899		
Mar. 3	425	883, 893, 1052, 1058
1901		
Feb. 15	372	805
Mar. 3	872	1122

Date	Public Law	86 Stat.
1902		
June 17	161	530, 624, 626, 627, 804–806, 964, 966, 967
1904		
Apr. 22	140	454
1905		
Feb. 1	34	805
1906		
Mar. 23	65	732
June 28	321	1295
30	382	515, 592
1907		
Mar. 4	242	1209
1908		
May 23	136	720
30	168	1302
1910		
May 17	181	521
June 23	245	893
1911		
Feb. 17	383	1249
Mar. 1	435	519, 520
1912		
Apr. 9	116	1503
1913		
Mar. 4	430	520
4	435	812, 813
Dec. 23	43	269
1914		
May 8	95	595, 673
Sept. 26	203	41
1916		
Aug. 25	235	45, 562, 620, 632, 791, 904, 1046, 1047, 1068, 1069, 1302, 1309, 1312
Sept. 1	250	639, 640
7	260	140, 909
1919		
July 11	6	392
1920		
Feb. 25	146	1312
June 5	261	909

TABLE 11.—*General Legislation*—Continued

Date	Public Law	86 Stat.
1920		
June 10	280	45, 506
1921		
Mar. 1	342	805
June 10	13	513
Aug. 15	51	597
1922		
Sept. 21	331	598
1923		
Mar. 4	513	610
1924		
Apr. 23	104	455
May 27	148	518
June 7	276	447
1926		
May 7	186	1110
July 2	450	598
1927		
Feb. 15	625	610
Mar. 3	740	400
4	783	610
4	803	157
1928		
May 15	391	623
Dec. 21	642	626
1929		
Feb. 20	89	512
June 20	17	449
1930		
May 16	231	1019
June 9	319	678
17	361	1131, 1223
1931		
Mar. 3	787	446
3	798	894
1932		
June 30	212	484, 518, 629
July 22	304	551
1933		
May 18	17	631
June 13	43	551
16	67	795, 806
1934		
Jan. 30	87	117
May 7	211	1125
June 13	324	331, 536, 894, 933
19	416	5, 6
27	479	297, 405, 540, 541, 549–552, 603, 664, 1130, 1150
28	482	509
1935		
Feb. 22	14	513
Apr. 8	Pub. Res. 11	795, 806
27	46	599, 601, 606, 607
June 29	182	1501
Aug. 14	271	65, 78, 86, 150, 151, 250, 419, 420, 453, 709, 710, 1355, 1486, 1390–1393, 1399, 1502, 1503
19	286	1112
21	292	504, 562, 627, 632, 791, 796, 904, 1046, 1049, 1266
24	320	94, 593, 597, 598, 609, 795, 806
26	337	520
29	392	1112
30	403	331, 536, 933
1936		
Feb. 29	461	608, 1498
May 20	605	601, 602
June 4	638	511
4	648	1112
15	678	623
22	738	607
22	742	531
29	835	140, 141, 1122–1124
1937		
Mar. 24	Pub. Res. 14	523
June 3	137	39, 597, 780
24	162	1333, 1334, 1371, 1449
July 8	192	471
22	210	601, 663
Aug. 16	308	1083, 1085
28	405	509
Sept. 1	412	541
1938		
Feb. 16	430	599, 968–970
May 11	505	520
June 20	684	1019
25	717	610, 1208
25	718	1367
25	748	520
1939		
Apr. 13	Pub. Res. 9	523
May 24	85	509

TABLE 11.—*General Legislation*—Continued

Date	Public Law	86 Stat.
1939		
May 31	96	965, 966
Aug. 2	252	608
4	260	626, 804, 1312
9	355	1113
1940		
June 11	591	520
21	647	450
27	668	440
July 11	Pub. Res. 93	630
19	756	626
Oct. 17	861	942, 1496
1941		
May 9	56	805
June 28	136	1112
July 1	145	440
Aug. 18	228	624
Sept. 20	250	439
Nov. 21	310	473
1942		
July 9	663	1196
1944		
May 29	319	478
June 28	369	627
July 1	394	572, 575
1	410	78, 81, 169, 301, 317, 486, 610, 1101, 1177, 1233, 1386, 1387
Sept. 21	425	520, 592–599, 601, 602, 604, 606, 607, 610
Dec. 21	526	1165
22	534	525, 628, 667
1945		
Apr. 19	35	626, 627
May 3	49	489
Dec. 6	248	201, 584
Dec. 29	291	1071
1946		
Feb. 20	304	474
June 4	396	597, 609, 725, 728
11	404	613
28	464	1127
July 23	520	483
24	526	805
30	565	1113
31	570	1508
Aug. 2	592	813
2	600	455, 487
2	601	35, 433–435, 437, 441, 445, 1166
7	624	131
7	648	454
8	689	400
1946		
Aug. 13	724	54, 447, 448, 1109–1111, 1113, 1129, 1132, 1515
13	726	522, 733, 743, 795, 806
14	732	1059
14	733	595–598, 611
1947		
Feb. 28	8	594, 595
May 19	74	511
31	83	805
June 23	101	40, 1264
25	104	1208
30	268	484
July 16	195	451
18	204	513
30	278	447
Aug. 4	353	1116
5	361	515
7	382	1312
8	388	599
1948		
Jan. 27	402	492, 1131
Feb. 5	407	805
Apr. 24	496	593
June 1	566	480
July 2	883	403, 484
1949		
May 27	76	1016
9	91	967
30	152	44, 122, 221, 331, 480, 1048, 1132, 1162, 1299
July 15	171	540, 542, 557, 602–604, 664, 700, 1499
Aug. 22	259	523
Oct. 7	335	627
25	387	550
26	390	1124
28	429	587, 1113
31	439	968–970, 1197
1950		
Apr. 20	475	293, 295, 540, 541
24	478	519, 520
May 3	499	603
10	507	545
17	516	1498
June 2	533	451
Aug. 1	630	1496
4	656	472
9	676	1044
19	719	478
Sept. 8	774	439, 448, 483, 513
12	784	513
13	786	1111, 1112
21	797	552
23	815	557

TABLE 11.—*General Legislation*—Continued

Date	Chapter	86 Stat.
1950		
Sept. 30	874	124, 339, 343, 344, 1196
30	875	300
Dec. 29	901	192
1951		
Jan. 12	920	485, 486
Aug. 31	137	227
Oct. 26	213	50
1952		
June 27	414	493, 1471
July 10	495	1176
15	547	488
19	592	522, 1019
1953		
May 22	31	1061
June 26	83	595
30	88	610
Aug. 7	212	868
13	264	472, 1120
1954		
May 18	364	451, 453, 454
June 8	389	1001
29	449	1171
30	451	513
July 2	472	454
10	480	24, 132, 446, 483, 496, 500, 518, 593, 598, 600, 1110
22	519	480, 481
28	545	611
Aug. 2	560	165, 541, 542, 603, 700
3	565	78, 1474, 1482
4	566	607, 663
5	568	521
26	663	50
28	690	598
30	703	222, 621, 1053, 1232
Sept. 3	771	805
1955		
Apr. 22	24	222
July 4	130	626
Aug. 4	219	1515
4	221	621
5	243	1012
11	352	595, 673
11	360	595
11	372	524
1956		
Apr. 11	485	625, 1312
May 14	520	804
28	540	520, 599
July 9	660	605

Date	Public Law	86 Stat.
1956		
July 31	854	529
Aug. 1	885	1109, 1111
3	959	511
3	979	520, 521, 598
6	984	626
7	1021	607
8	1024	597
1957		
June 21	85–58	609
Aug. 28	85–172	1209
Sept. 7	85–300	453
1958		
May 29	85–429	1510, 1511
29	85–430	400
June 6	85–451	453, 454
July 18	85–536	173, 558, 559, 577, 1130, 1131, 1503
29	85–568	161, 162, 544
31	85–570	1506
Aug. 12	85–624	622, 623, 625, 627
18	85–672	1123
20	85–692	454
21	85–699	699
21	85–701	513
23	85–726	582–584, 588, 783, 942, 996, 1072, 1208, 1234, 1243, 1244, 1247
23	85–743	513
25	85–745	483
Sept. 2	85–864	170, 273, 279, 528, 545, 1501
2	85–868	1311
2	85–890	1122
6	85–934	611
1959		
June 25	86–70	585
Aug. 29	86–211	712
Sept. 9	86–249	219, 480, 481, 489
21	86–341	483
24	86–380	478
25	86–209	546
1960		
May 14	86–472	1113
June 3	86–488	804
12	86–515	451, 453
July 7	86–599	514
12	86–610	1502
12	86–613	610
12	86–629	53
Sept. 8	86–724	478
13	86–777	167, 168
1961		
Apr. 24	87–24	56
June 29	87–63	1120, 1130

TABLE 11.—*General Legislation*—Continued

Date	Public Law	86 Stat.
1961		
June 30	87-70	542
Aug. 8	87-128	597, 601, 602, 604, 670, 674
17	87-155	600
Sept. 4	87-195	33, 34, 49-52, 118, 447, 448, 1183, 1197
21	87-256	26, 492, 1113, 1131, 1133
22	87-293	53, 264, 277, 491
26	87-297	1128
27	87-328	630
Oct. 4	87-383	515
1962		
Mar. 15	87-415	169, 317, 1098
June 28	87-510	53
July 27	87-554	1157
Aug. 6	87-569	809
Sept. 5	87-626	513
27	87-703	601
Oct. 5	87-749	595
10	87-788	595
23	87-874	1206, 1326
1963		
July 19	88-69	918
Aug. 20	88-102	472
Oct. 31	88-164	78, 1386, 1391
Nov. 4	88-170	512
Dec. 16	88-204	304
18	88-210	317, 318, 322, 323
23	88-241	1511, 1512
30	88-250	593
1964		
Mar. 7	88-277	483
July 2	88-352	354, 356, 369, 543, 903, 932, 1115, 1129, 1501
9	88-365	466, 587, 1000-1003
17	88-379	517
28	88-383	1155
Aug. 20	88-452	19, 169, 170, 264, 277, 278, 317, 1098, 1130, 1500, 1501, 1503
20	88-455	172, 1126
22	88-487	87
30	88-499	478
31	88-525	610
Sept. 2	88-560	541, 542
3	88-577	38, 46, 48, 102, 505, 578, 612, 614, 792, 811, 918, 1026, 1050, 1068, 1313
3	88-578	512, 779, 1275
1965		
Mar. 9	89-4	629, 828
Apr. 11	89-10	277-279, 343, 344, 557, 688
June 17	89-41	585
July 9	89-72	966-970
14	89-73	1502, 1503
1965		
July 22	89-80	631, 843
30	89-97	1375, 1464
Aug. 4	89-106	595
5	89-108	525
10	89-117	540-542, 606
26	89-136	699, 1118-1120
Sept. 29	89-209	522
Oct. 2	89-234	964
30	89-304	515
Nov. 3	89-321	599
8	89-329	86, 317, 328, 353, 557, 696, 832, 1501, 1502
1966		
June 14	89-448	968
July 4	89-491	1500
19	89-513	1063
Sept. 7	89-561	968
9	89-563	949, 955, 1208, 1238
16	89-577	524
Oct. 10	89-640	1112
11	89-642	597, 609, 610
14	89-658	1029
14	89-659	200
15	89-665	516
15	89-669	391, 399, 633, 1031, 1044
15	89-670	733, 755, 996, 1248, 1249
29	89-698	369
Nov. 2	89-702	1044, 1121
3	89-750	322, 343, 344, 354
3	89-754	542, 699, 1283-1285
3	89-755	610
7	89-791	595, 1014
1967		
Apr. 10	90-9	522
Sept. 17	90-86	119
Oct. 11	90-103	1118, 1119
Nov. 3	90-121	541, 549
8	90-133	1130
21	90-148	1160, 1232, 1238, 1286
Dec. 15	90-205	515
16	90-206	479
20	90-219	1127
1968		
Jan. 2	90-247	243, 285, 339, 344, 346, 348, 368, 372, 1501, 1502
2	90-248	1361
Mar. 1	90-259	234, 1129
Apr. 11	90-284	543
June 19	90-352	1168
20	90-354	595
July 11	90-396	234
11	90-397	428
31	90-445	455
Aug. 1	90-448	405, 540-543, 700, 906
8	90-461	1155
12	90-481	581

TABLE 11.—*General Legislation*—Continued

Date	Public Law	86 Stat.
1968		
Aug. 12	90-482	1121
23	90-495	454, 585
23	90-496	512
Sept. 11	90-497	512
24	90-511	512
26	90-515	630
30	90-537	625
Oct. 2	90-543	720
16	90-577	1286
21	90-608	64
21	90-614	1018
22	90-629	24, 25, 29, 52, 496
24	90-637	524
1969		
July 22	91-47	199, 200, 768, 782
Oct. 22	91-95	1501
Nov. 25	91-123	1118, 1119
Dec. 5	91-135	976, 1031, 1044
9	91-143	451, 454, 589, 1003
24	91-158	383
26	91-166	741, 762
30	91-172	412
30	91-175	207
30	91-184	1120
1970		
Jan. 1	91-190	191, 604, 893, 1240
Apr. 3	91-224	604, 877
May 14	91-248	609, 727
14	91-249	515
21	91-258	582-584
27	91-269	1321, 1322
June 19	91-283	1171
July 6	91-304	1118, 1119
6	91-305	56
24	91-354	1127
Aug. 12	91-375	722
12	91-377	767
13	91-378	519
15	91-379	448, 475, 575
18	91-380	368
18	91-382	1510, 1511
Sept. 18	91-403	1499
25	91-407	630
Oct. 7	91-441	736
14	91-447	172, 1126
15	91-453	587
21	91-469	1128
21	91-477	1130
26	91-510	35, 441, 445
26	91-512	606
27	91-513	24, 59-61, 68, 69, 496
30	91-518	174, 1306
Dec. 19	91-559	599, 609
22	91-566	608
24	91-575	631
24	91-578	513
29	91-596	665, 1232
29	91-597	1209
30	91-599	54
30	91-601	610, 997
31	91-604	1232
31	91-605	584, 1517
1970		
Dec. 31	91-606	474, 553, 555, 557, 558, 657
31	91-607	483
31	91-609	542, 543
31	91-611	1328
1971		
Jan. 2	91-646	1020, 1250, 1271, 1273, 1301, 1511
5	91-648	479
8	91-665	199, 769, 1171, 1295
Mar. 17	92-5	63, 1341
May 7	92-12	601, 602
25	92-18	743
June 23	92-28	174, 479
30	92-37	133
July 1	92-39	167
2	92-46	767
9	92-50	47
9	92-51	1506
29	92-60	122, 517
Aug. 5	92-65	1118, 1119
10	92-73	594, 606, 608
10	92-75	173, 582, 1208
10	92-76	167
10	92-77	172, 1118, 1119, 1515
Oct. 13	92-137	47
18	92-500	818, 823, 824, 834, 835, 837, 838, 847-849, 863, 883, 896, 898-900, 902, 903
Nov. 18	92-159	905
Dec. 15	92-184	1506, 1511
18	92-203	168, 524, 1471, 1499
28	92-223	1460, 1464
1972		
Feb. 7	92-225	7, 19, 435, 696, 1505
7	92-226	35, 490
Mar. 18	92-254	1172
21	92-255	1501, 1517, 1518
24	92-261	103, 107
31	92-268	148
May 27	92-306	611, 1499
June 16	92-313	218, 221, 1023
23	92-318	369, 1501, 1502
July 1	92-334	605, 1501
1	92-336	1369, 1485
13	92-352	492, 1516
Aug. 10	92-369	1499
22	92-398	1516
22	92-399	1498
25	92-405	518
29	92-410	634, 636-640, 642
29	92 412	644
30	92-419	660, 661, 667
Sept. 19	92-424	699, 700
21	92-428	1516
26	92-436	1204
Oct. 14	92-495	813
18	92-500	1052, 1057, 1238, 1286, 1498
19	92-506	1502

TABLE 11.—*General Legislation*—Continued

Date	Chapter	86 Stat.	Date	Public Law	86 Stat.
1972			**1972**		
Oct. 20	92-512	1517	Oct. 27	92-574	1240
21	92-517	1002	27	92-576	1261
21	92-518	1009, 1010	30	92-603	1391, 1393, 1396, 1404, 1429
26	92-570	1186			

TABLE 12.—*Revised Statutes*

Section	86 Stat.	Section	86 Stat.	Section	86 Stat.
291	1110	3732	1198	4417a(2)(A)-(C).	425
1735	202	4067-4070	763, 764	4450	431
3551	37, 553	4197	865, 870	4462	996
3648	1114	4399-4500	429	4472	996
3679	445, 448, 519, 594, 600, 627, 1130, 1184	4399-4462	1208	*D.C.*	
		4405	996	386 (1), (2), (4).	1108

TABLE 13.—*Internal Revenue Code of 1939*

Section	86 Stat.	Section	86 Stat.	Section	86 Stat.
None					

TABLE 14.—*Internal Revenue Code of 1954*

Section	86 Stat.	Section	86 Stat.	Section	86 Stat.
1 *et seq*	465	509(a)(3)	1359	3402	1459
1-1388	663, 937, 939, 942, 1467, 1496	861-997	1495	4161(b)	1172
		1016(a)(5), (6)	939	4181	1172, 1208
56	938	1371(a)	940, 942	4182	1208
103(a)(1)	938	1402	417	4221	1208
151	1276	1402(a)	940	6017A	936
152	1258	3101	1355, 1357, 1459	6361-6365	945
164(a)(3)	929, 938			6361	942
167	856, 877	3111	1355, 1357	6363	941
169	856, 877	3121	417	6413	417
170(c)(4)	656	3122	417, 1357	6651	1355
213	1382	3125	417	6654	417
265	939	3201	1459	7401-7492	937
403(b)	131	3211	1459	7424-7426	1176
501 (c)-(e)	556	3401-3404	937, 1496	7485	209
501(c)	103	3401(a)	940	7654	1496

TABLE 15(a).—*Positive Law Titles of United States Code*

(The following titles of the U.S. Code have been enacted into positive law: Titles 1, 3, 4, 5, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, 37, 38, 39, and 44.)

U.S. Code		86 Stat.
Title	Section	
1	1	1328
1	202	438
1	203	438
1	211	447
1	213	438
3	102	474, 483
5	101 *et seq*	109, 1094
5	102	111
5	105	111, 1235
5	551 *et seq*	613
5	551–559	995, 1476
5	551–558	592
5	551(1)	771
5	551(12)	775
5	552	773, 1044
5	552(b)	798, 1212
5	553	856, 872, 950, 1041,1215, 1288
5	553(c)	1238
5	554 *et seq*	113
5	554	1222, 1223, 1243, 1261
5	571 *et seq*	478
5	701–706	375, 537, 950, 1035, 1218
5	901–913	107
5	2102	103
5	2105(c)	565, 574
5	3105	110, 1261
5	3109	35, 42, 53–55, 174, 284, 446, 448, 452, 454, 473–478, 482, 483, 485, 488, 499, 518, 520–524, 544, 546, 549, 551, 552, 586–588, 590–599, 601, 602, 604–607, 609–611, 629–631, 808, 814, 1045, 1048, 1109, 1110, 1112, 1113, 1117, 1124, 1125, 1129, 1131, 1132, 1134, 1192
5	3344	115
5	3381, 3382	140
5	4101–4118	547, 583
5	4109(a)(2)(C)	649
5	4110	624
5	5101–5115	110, 565, 572 895, 1095, 1126
5	5102(c)(7), (8), (14)	574
5	5102(d)	575
5	5108	68, 330
5	5301–5365	1126
5	5307	443
5	5311–5317	634, 1008
5	5312	227, 228
5	5313	477
5	5314	799
5	5315	34, 43,327,630, 799, 813
5	5316	43, 330
5	5331–5338	110, 573, 895, 1095
5	5332	74, 156, 323, 330, 343, 742, 743, 773, 814, 862, 876, 1043, 1045, 1048, 1051, 1113, 1252,1389,1442
5	5332(a)	801
5	5341–5349	573
5	5341	191, 789
5	5342(a)(2)(B)	574
5	5343	146, 573
5	5344	146
5	5349	573
5	5362	110
5	5544(a)(1)–(3)	574
5	5550	573
5	5561	125
5	5561(5)	505
5	5581–5584	641
5	5595	142
5	5701–5709	142
5	5701–5708	1132
5	5702	801
5	5703	42, 68, 74, 479, 685, 773, 787, 800, 876, 888, 957, 1043, 1045, 1230, 1246, 1288, 1442, 1457
5	5703(b)–(d)	1268
5	5703(b)	1051, 1178, 1389
5	5704	801
5	5707	1268
5	5724a	760
5	5901	442–444, 473, 518, 520–522, 524, 544–547, 551, 552, 587–590, 604, 611, 624, 1111, 1117, 1124, 1129, 1201
5	5902	442–444, 473, 518, 520–522, 524, 544–547, 551, 552, 587–590, 604, 611, 624, 1111, 1117, 1124, 1129
5	5921–5925	54, 1109–1111
5	5922–5924	487
5	5941	922
5	7154	573
5	7521	110
5	8101–8193	131, 1080, 1319

TABLE 15(a).—*Positive Law Titles of United States Code*—Continued

U.S. Code		86 Stat.
Title	Section	
5	8101–8150	1015
5	8101(17)	152
5	8146	587
5	8331–8348	709, 710
5	8334( )(1)	1274
5	8336	142
5	8348	479
5	8701–8716	131, 639, 641
5	8707	1050
5	8901–8913	478, 1382
6	14	666
10	265	1185
10	270	794
10	331–336	735
10	673	735
10	701(g)	1318
10	1072(1)	715
10	1401a	706, 710, 712
10	1431–1455	582, 712, 1121, 1186
10	1431–1446	713
10	2208	1203
10	2231–2238	1154, 1156, 1157
10	2301–2314	1152
10	2353	1200
10	2661–2683	1154
10	2665	1198
10	2672	1196
10	2673	1156, 1157
10	2675	1156, 1196
10	2733–2734b	649
10	2737	649
10	3019	1185
10	3033	1185
10	3496	1185
10	3500	735
10	7202	1187
10	7204	1196
10	7208	1197
10	7209	1196
10	7307	33
10	8019	1185
10	8033	1185
10	8496	1185
10	8500	735
18	201–224	957
18	597	8
18	599, 600	8
18	602	8
18	608	8
18	610, 611	8
18	831–835	996
18	1111, 1112	1071
18	1114	1071
18	1116(b)	1072, 1073
18	1116(c)	1073
18	1116(c)(4)	1072
18	1905	858, 861, 873, 892, 951, 958, 1212, 1244
18	1913	599, 608
18	3006A	172, 1126
18	3041	785
18	3056	480
18	3192	1109
18	4010	1116
18	4164	136
18	4244–4248	1115
18	4251(a)	136
18	4255	136
23	101 *et seq*	585, 812
23	101	459
23	108(c)	585
23	125	1051
23	131	584
23	136	584
23	203	508, 510, 516, 519, 520, 585, 586
23	204	585
23	205	519
23	209	586
23	210	1158, 1197
23	215, 216	585
23	319(b)	584
23	322	585
23	402	585, 586
28	1 *et seq*	937
28	135	721
28	371–373	172, 1126
28	375	1126
28	456	807
28	507(b)	296
28	517	296
28	524	1115
28	611	46
28	620–629	1127
28	633	721
28	634	1127
28	635	47, 1127
28	1254	18, 93, 258, 294, 321, 935, 944, 950, 994, 1218
28	1254 (1), (3)	42
28	1347	1176
28	1404	106
28	1406	106
28	1446	216, 788
28	1491	1176
28	1505	115
28	2112	93, 321, 935, 944, 950, 994, 1218, 1261
28	2410	1176
28	2671–2680	147, 1319
28	2672	493, 1119, 1120, 1132
28	2677	547
28	2679	296
32	708	1185
37	101(3)	758, 1149
37	101(5)	712, 758, 759
37	205(a)(7), (8)	718
37	301	581, 796, 1199
37	308(g)	1278
37	310	278, 738, 1202
37	409	793
37	501(h)	1317
37	551(2)	125, 505, 1098, 1317, 1318
37	552(c)	125

TABLE 15(a).—*Positive Law Titles of United States Code*—Continued

U.S. Code		86 Stat.
Title	Section	
37	555	1317
37	556	1317
38	101	396
38	101(2)	277, 1098
38	101(21)	712, 713
38	101(29)	1099
38	240–244	1080, 1095
38	301–362	393, 1080, 1098
38	314, 315	396
38	351	547
38	401–423	1098
38	411(a)	708
38	531–544	712, 713
38	541	395
38	544	395
38	601–644	1080
38	631–634	549
38	641	547
38	644	549
38	792	529
38	801–806	547
38	902	549
38	1501–1511	378, 547, 1076, 1080,1082,1088, 1089,1090, 1093
38	1504	1076
38	1601–1903	547
38	1651–1697A	1076,1080,1082, 1084,1086-1089, 1093, 1098, 1099
38	1651–1697	250, 378
38	1652(a)(1)	1084, 1085
38	1652(a)(2)	1084
38	1681	1081
38	1681(c)	1090
38	1682	1076
38	1682(a)	1081
38	1682(b)	1079, 1081
38	1685	1074, 1092
38	1690–1693	379, 1082
38	1691	1076, 1084
38	1691(a)(2)	1082, 1087
38	1692	1084
38	1695–1697A	1077, 1078, 1082
38	1695–1697	379
38	1696(a)(2)	1082, 1087
38	1700–1766	250, 1076, 1083, 1084, 1086–1089, 1093, 1098
38	1701(a)	1085
38	1701(a)(1)	1099
38	1701(a)(1)(A)	1099
38	1701(a)(1)(B)–(D)	1084
38	1711	1084
38	1732	1076
38	1732(a)	1084
38	1732(a)(2)	1079
38	1733	1083, 1099
38	1770–1795	1076, 1083, 1084, 1086, 1088, 1089, 1093, 1098
38	1776, 1777	1085
38	1780	1074, 1083, 1088
38	1780(d)(5)	1084
38	1786	1081
38	1787	1076, 1081, 1090
38	1787(a)(1)	1090
38	1792	1093
38	1801–1827	396, 397, 405, 549
38	3010(g)	397
38	3102	1079
38	4101	1107
38	4101(b)	1102, 1106
38	4112(a)	1101
38	5001, 5002, 5004	548
38	5031–5037	549
38	5051–5057	1103, 1104
38	5055	548
39	406(a)	783
39	2003	480
39	2004	474
39	2401 (b), (c)	474
44	241	592
44	305	447, 572, 575
44	902	447
44	1509, 1510	447
44	2504	482

TABLE 15(b).—*Positive Law Titles of District of Columbia Code*

(The following titles of the D.C. Code have been enacted into positive law: Titles 11–21, 23, and 28 (Subtitles I and II)

D.C. Code		86 Stat.
Title	Section	
16	16–1351—16–1368	1003, 1270

TABLE 15(c).—*Canal Zone Code*

C.Z. Code		86 Stat.	C.Z. Code		86 Stat.
Title	Section		Title	Section	
2	2, 371	589			

TABLE 16.—*Reorganization Plans*

Year	Plan	86 Stat.	Year	Plan	86 Stat.	Year	Plan	86 Stat.
1950	No. 14	331, 536, 894, 933	**1953**	No. 8	492, 1131	**1968**	No. 2	543
			1967	No. 3	1511, 1513	**1971**	No. 1	404

TABLE 17.—*Veterans Regulations*

Regulation	Part	86 Stat.	Regulation	Part	86 Stat.
None					

TABLE 18(a).—*Executive Orders*

Number	Date	86 Stat.	Number	Date	86 Stat.
E.O. 7868	Apr. 15, 1938	795	E.O. 11523	Apr. 9, 1970	606
E.O. 9358	July 1, 1943	478	E.O. 11556	Sept. 4, 1970	1122
E.O. 10422	Jan. 9, 1953	478	E.O. 11583	Feb. 24, 1971	609
E.O. 11063	Nov. 20, 1962	543	E.O. 11603	July 1, 1971	404
E.O. 11246	Sept. 24, 1965	543	E.O. 11605	July 2, 1971	1134
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Sedalia, Marshall, Boonville Stage Line, Incorporated	1533
Serna, Mrs. Crescencia L., and children Maria M. F., Sally G., Gonzalo G., and James G	1527
Shafer, John W., Jr	1541
Simons, Dr. David G	1549
Sindone, Vincent J	1547
Slavik, Howard D	1562
Sonnenberg Gardens, N. Y	1559
Soo Yong Kwak	1528
Souvenir, Mrs. Julian	1537
Spitz, Mark A	1583
Stiteler, Lester L	1548
Sullivan, Joseph F	1544
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Truman, Hon. Harry S	1574
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Uttech, Gary R	1552
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Valleriani, Rita R	1548
Varela, Juanita S	1530
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Wallace, Gov. George C	146
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West, William J	1554
Whitenack, Frank W	1250
Wolff, Kenneth J	1563
Woodson, John P., heirs of	1562
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Young, John	562
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