

94th Congress House Bills

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94TH CONGRESS
2D SESSION

S. 3075

IN THE SENATE OF THE UNITED STATES

MARCH 4, 1976

Mr. MAGNUSON (by request) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To establish a national policy on areawide planning and its coordination, to encourage the use of organizations composed of local elected officials to perform federally assisted or required areawide planning, to require use of planning districts established by States in Federal planning programs, to authorize the Office of Management and Budget to prescribe rules and regulations relating thereto, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Intergovernmental Coordi-
4 nation Act of 1976".

5 SECTION 1. Title I of the Intergovernmental Coopera-
6 tion Act of 1968 is amended by adding at the end thereof the
7 following new sections:

1 "METROPOLITAN AREA

2 "SEC. 111. The term 'metropolitan area' means a stand-
3 ard metropolitan statistical area as established by the Office
4 of Management and Budget subject to such modifications and
5 extensions as the Office of Management and Budget may
6 determine to be appropriate for the purposes of this Act.

7 "URBANIZED AREA

8 "SEC. 112. The term 'urbanized area' means an area so
9 designated by the Bureau of the Census.

10 "URBANIZING AREA

11 "SEC. 113. The term 'urbanizing area' means an area
12 which, in the view of responsible local officials, is likely to
13 become urbanized within the next fifteen to twenty years,
14 such view being expressed in adopted long-range planning
15 forecasts for the area.

16 "URBAN AREA

17 "SEC. 114. The term 'urban area' means an urbanized
18 area or an urban place as designated by the Bureau of the
19 Census.

20 "AREAWIDE PLANNING

21 "SEC. 115. The term 'areawide planning' means plan-
22 ning or a component of planning for the overall growth and
23 development of an area which includes more than one unit of
24 general local government.

1 "AREAWIDE GROWTH MANAGEMENT PLAN"
2 "SEC. 116. The term 'areawide growth management
3 plan' means an officially adopted and regularly updated plan
4 delineating the desired future pattern and intensity of urban
5 growth and development which provides for such growth on
6 a basis of the suitability of land for varying uses and intensi-
7 ties of development and which establishes the desired timing
8 for such development on a basis of when urban services and
9 facilities may feasibly and economically be provided to devel-
10 oping areas."

11 SEC. 2. Section 401 of the Intergovernmental Coopera-
12 tion Act of 1968 is amended by adding at the end thereof
13 the following new section:

14 "(f) Federal departments or agencies which administer
15 programs requiring by statute or regulation a State plan as a
16 condition of assistance under such programs shall require that
17 the Governor of the State, or such agency as the Governor
18 may designate, be given the opportunity to comment on the
19 relationship of such State plan to comprehensive and other
20 State plans and programs and to the plans and programs of
21 affected areawide planning agencies and units of general local
22 government. The Governor shall involve affected areawide
23 comprehensive planning agencies and units of general local
24 government in the review of State plans where such plans

1 have specific applicability to or effect upon areawide or local
2 planning and programing or where such plans establish cri-
3 teria or distribution formulas or systems for State subgrants
4 of Federal assistance.”

5 SEC. 3. The Intergovernmental Cooperation Act of 1968
6 is amended by adding at the end thereof a new title as
7 follows:

8 “TITLE VII—AREAWIDE PLANNING

9 COORDINATION

10 “FINDINGS, POLICY, AND PURPOSE

11 “SEC. 701. (a) The Congress finds that present re-
12 quirements for areawide planning and programing in con-
13 nection with many Federal assistance programs have con-
14 tributed greatly to the solution of problems which affect the
15 Nation’s urban and rural areas by providing forums in which
16 the principal elected officials of general purpose local gov-
17 ernments can undertake cooperative decisionmaking on mat-
18 ters of mutual concern.

19 “The Congress finds that differences in the administra-
20 tive components of Federal planning requirements often
21 make it difficult to achieve the overall purposes of areawide
22 planning by organizationally fragmenting areawide plan-
23 ning programs and that such fragmentation wastes Federal
24 and local resources and works to make comprehensive area-
25 wide planning and programing either difficult or ineffective.

1 "The Congress finds that failure to integrate planning
2 for transportation, housing, land use, economic development,
3 health systems, social services, law enforcement, air and
4 water quality, open space and recreation facilities, and other
5 public facilities leads to conflict among public policy objec-
6 tives and results in undesirable and costly patterns of urban
7 development which adversely affect the environment and
8 wastefully use our natural, economic, and human resources.

9 "(b) To promote the general welfare and to provide
10 full and wise application of Federal assistance in strengthen-
11 ing the environment, economic, and social well-being of the
12 people of the United States, the Congress declares that it
13 is a continuing responsibility of the Federal Government,
14 consistent with the responsibility of local governments for
15 comprehensive areawide planning, to promote the develop-
16 ment and implementation of areawide coordinated, com-
17 prehensive, growth management planning which shall in-
18 corporate environmental, esthetic, economic, social, and
19 other appropriate factors. The Congress declares that it is
20 the national policy to—

21 "(1) encourage planning which shall, to the maxi-
22 mum extent feasible, cover entire areas having common
23 or related development problems,

24 "(2) encourage cooperation in developing and
25 carrying out plans among all interested municipalities,

1 political subdivisions, public agencies, and other parties
2 in order to achieve coordination development of entire
3 areas and to assure the best utilization of Federal, State,
4 and local resources,

5 “(3) require that federally assisted areawide plan-
6 ning relate to the wise and efficient growth of urban
7 areas through the coordinated use of such assistance to
8 develop areawide growth management plans.

9 “(c) It is the purpose of this title:

10 “(1) To provide for efficient and effective manage-
11 ment of urban growth by strengthening the capacity of
12 general governmental institutions to contribute to bal-
13 anced and stabilized urban growth.

14 “(2) To reduce the social costs of urban sprawl and
15 urban core disintegration by encouraging better manage-
16 ment of the growth of our urban regions.

17 “(3) To insure wise expenditure of Federal de-
18 velopment assistance by requiring that plans for use of
19 Federal funds are developed in a consistent and coordi-
20 nated fashion so as to promote rational and efficient pat-
21 terns of urban development.

22 “(4) To encourage and facilitate State and local
23 initiative and responsibility in developing organizational
24 and procedural arrangements for coordinating compre-
25 hensive and functional planning activities.

1 “(5) To eliminate overlap, duplication, and com-
2 petition in areawide planning activities assisted or re-
3 quired under Federal programs and to encourage the
4 most effective use of State or local resources available
5 for planning and resource management.

6 “(6) To encourage the States to exercise leadership
7 in delineating and establishing a system of planning and
8 development districts in each State which can provide a
9 consistent geographic base for the coordination of Fed-
10 eral, State, and local development programs.

11 “(7) To require consistency among Federal require-
12 ments placed on areawide planning agencies.

13 “(8) To require Federal agencies administering
14 programs assisting or requiring areawide planning to
15 utilize common agencies to perform areawide planning.

16 “COMPOSITION OF AREAWIDE PLANNING ORGANIZATIONS

17 “SEC. 702. Any areawide agency which is designated
18 under State laws or interlocal agreement to perform areawide
19 comprehensive planning and has been designated as a plan-
20 ning and development clearinghouse under regulations
21 promulgated pursuant to section 204 of the Demonstrations
22 Cities and Metropolitan Development Act of 1966 of title IV
23 of this Act which agency is, to the greatest practicable ex-
24 tent, composed of or responsible to, elected officials of a unit
25 of areawide government or of the units of general local gov-

1 ernment within whose jurisdiction such agency is authorized
2 to engage in such planning may be authorized or designated
3 to perform areawide planning assisted under any Federal
4 assistance program. The head of any department or agency
5 of the United States Government which administers a Fed-
6 eral assistance program which assists areawide planning and
7 requires that such planning be performed by an organization
8 or agency composed other than as provided in this section
9 shall waive such requirement upon the request, in which the
10 Governor of any affected State occurs, of an areawide agency
11 composed as provided in this section which—

12 “(A) is created pursuant to State statutes,

13 “(B) has a jurisdictional area which conforms to
14 or is consistent with any established substate districting
15 plan when such plan meets the requirements of section
16 704, and

17 “(C) possesses or can achieve the capacity to per-
18 form effectively whatever functions are required under
19 Federal law or regulation in a manner consistent with
20 substantive program purposes and requirements.

21 “COORDINATION OF AREAWIDE PLANNING ACTIVITIES

22 “SEC. 703. Every areawide agency in a metropolitan
23 area which is designated as a planning and development
24 clearinghouse under regulations promulgated pursuant to
25 section 204 of the Demonstration Cities and Metropolitan

1 Development Act of 1966 or title IV of this Act shall pre-
2 pare, adopt, and update annually a program for the coordi-
3 nated use of Federal areawide planning assistance to develop
4 and implement a unified and comprehensive areawide growth
5 management plan. Unless an areawide planning coordination
6 program has been adopted, no grant for areawide planning
7 shall be made after July 1, 1978, to any areawide planning
8 agency under authority of—

9 “(A) section 701 of the Housing Act of 1954, as
10 amended,

11 “(B) section 302 of the Public Works and Eco-
12 nomic Development Act of 1965, as amended,

13 “(C) section 9 of the Urban Mass Transportation
14 Act of 1964, as amended,

15 “(D) sections 104 (f) (1) and 307 of title 23 of the
16 United States Code,

17 “(E) section 208 of the Federal Water Pollution
18 Control Act, as amended,

19 “(F) section 13 of the Airport and Airways Devel-
20 opment Act of 1970, as amended,

21 “(G) section 305 (g) and 306 (f) of the Coastal
22 Zone Management Act, as amended,

23 “(H) section 1516 of the Public Health Service
24 Act, as amended,

1 “(I) title I of the Comprehensive Employment and
2 Training Act, as amended,

3 “(J) section 207 of the Solid Waste Management
4 Act, as amended, or

5 “(K) section 105 of the Clean Air Act, as amended.

6 “The Director of the Office of Management and Budget
7 shall provide for joint review and approval of the areawide
8 planning coordination program by appropriate Federal agen-
9 cies and departments. The Director of the Office of Manage-
10 ment and Budget is encouraged to use Federal Regional
11 Councils to carry out such review and approval functions.

12 “Prior to providing areawide planning assistance or
13 granting Federal recognition to any agency which is not the
14 areawide agency designated as a planning and development
15 clearinghouse, the head of any department or agency of the
16 United States Government which administers a Federal as-
17 sistance program which assists areawide planning shall de-
18 termine that a suitable agreement has been consummated
19 between the respective areawide planning agencies which
20 provides as follows:

21 “(1) identification of relationships between the
22 planning proposed by the areawide agencies and of sim-
23 ilar or related activities that will require coordination;

24 “(2) the organizational and procedural arrange-
25 ments for coordinating such activities;

1 “(3) coordination of planning activities in such
2 manner as to provide for effective and efficient develop-
3 ment and implementation of a unified and comprehensive
4 areawide growth management plan;

5 “(4) cooperative arrangements for sharing planning
6 resources; and

7 “(5) base data, statistics, projections, and assump-
8 tions on the basis of which planning in the area will pro-
9 ceed shall be those adopted by the agency designated
10 as the planning and development clearinghouse.

11 No grant may be made under any Federal assistance pro-
12 gram if such assistance is inconsistent with areawide growth
13 management planning.

14 “SUBSTATE PLANNING AND DEVELOPMENT DISTRICTS

15 “SEC. 704. Upon the request of the Governor of any
16 State, the head of any Federal department or agency of the
17 United States Government who administers a Federal pro-
18 gram which permits or requires the division of a State into
19 two or more planning and development districts for the pur-
20 pose of performing areawide planning, is required to utilize
21 a substate district plan which conforms to or is consistent
22 with any plan established by the State which meets the
23 following minimum criteria:

24 “(A) The plan shall be developed in consultation
25 with elected officials representing major units of local

1 government affected thereby and shall be established
2 under State laws or, in the absence of such laws, by
3 gubernatorial executive order.

4 “(B) The boundaries of any planning and de-
5 velopment district created by such plan shall, as a
6 minimum, include the entirety of any contiguous urban
7 and urbanizing area or areas.

8 “(C) No metropolitan area may be divided by any
9 districting plan.

10 “(D) Where two or more metropolitan areas share
11 the same urbanized and/or urbanizing area or any sub-
12 stantial portion thereof they shall be treated as a single
13 entity.

14 “(E) The plan shall consider the factors of popu-
15 lation concentration, housing and employment market
16 areas, transportation network and natural systems.

17 “(F) Where a metropolitan area is located within
18 two or more States, the Governor of each affected
19 State shall cooperate with the Governor of every other
20 affected State in the development of districting plans
21 which affect such metropolitan area. Whenever the
22 Director of the Office of Management and Budget de-
23 termines that the Governors of affected States have been
24 unable to cooperatively develop such districting plans,
25 he shall determine the extent of the planning and devel-

1 ment district which affects such metropolitan area in
2 consultation with affected Federal departments and
3 agencies and with affected local governments.

4 "JOINT FUNDING"

5 "SEC. 705. Funds made available under any Federal
6 assistance program for projects or activities undertaken
7 by an areawide agency designated under State law or inter-
8 local agreement to perform areawide comprehensive plan-
9 ning and has been designated as a planning and develop-
10 ment clearinghouse under regulations promulgated pursu-
11 ant to section 204 of the Demonstration Cities and Metro-
12 politan Development Act of 1966 or title IV of this Act
13 may be used jointly with funds made available for such
14 projects or activities under any other Federal assistance pro-
15 gram subject to regulations prescribed by the President. Such
16 regulations may include provisions for common technical
17 administrative requirements where varying or conflicting
18 provisions of law would otherwise apply, for establishing
19 joint management funds and common non-Federal shares,
20 and for special agreements, or delegations of authority
21 among different Federal agencies in connection with the
22 supervision or administration of assistance. Such regulations
23 shall in any case include appropriate criteria and procedures
24 to assure that any special authorities conferred, which are
25 not otherwise provided for by law, shall be employed only

1 as necessary to promote effective and efficient administration
2 and in a manner consistent with the protection of the Fed-
3 eral interest and program purposes or statutory require-
4 ments of a substantive nature.

5 "FEDERAL ASSISTANCE FOR AREAWIDE REVIEW ACTIVITIES

6 "SEC. 706. Activities needed to carry out any review
7 procedure required pursuant to section 204 of the Demon-
8 stration Cities and Metropolitan Development Act of 1966
9 or title IV of this Act shall be eligible to be assisted by any
10 Federal assistance program which provides funds for area-
11 wide planning provided the recipient of such assistance shall
12 be the agency designated to conduct such review.

13 "RULES AND REGULATIONS

14 "SEC. 707. The Office of Management and Budget, or
15 such other agency as may be designated by the President,
16 is hereby authorized to prescribe such rules and regulations
17 as are deemed appropriate for the effective administration
18 of this title."

A BILL

To establish a national policy on areawide planning and its coordination, to encourage the use of organization composed of local elected officials to perform Federally assisted or required areawide planning, to require use of planning districts established by states in Federal planning programs, to require certain Federal land use actions to be consistent with State, areawide, and local planning, to authorize the Office of Management and Budget to prescribe rules and regulations relating thereto, and for other purposes.

1 Be it enacted by the Senate and the House of Representa-
2 tives of the United States of America in Congress assembled,
3 that this Act may be cited as the "Intergovernmental Coordi-
4 nation Act of 1976".

5 Sec. 1. Title I of the Intergovernmental Cooperation
6 Act of 1968 is amended by adding at the end thereof the
7 following new sections:

8 "METROPOLITAN AREA

9 "Sec. 111. The term 'metropolitan area' means a
10 standard metropolitan statistical area as established by
11 the Office of Management and Budget subject to such modi-
12 fications and extensions as the Office of Management and
13 Budget may determine to be appropriate for the purposes of
14 this Act.

15 "URBANIZED AREA

16 "Sec. 112. The term 'urbanized area' means an area
17 so designated by the Bureau of the Census.

18 "URBANIZING AREA

19 "Sec. 113. The term 'urbanizing area means an area which,

1 in the view of responsible local officials, is likely to
2 become urbanized within the next 15 to 20 years, such view
3 being expressed in an adopted areawide development plan.

4 "URBAN AREA

5 "Sec. 114. The term 'urban area' means an urbanized
6 area or an urban place as designated by the Bureau of Census.

7 "AREAWIDE DEVELOPMENT PLAN

8 "Sec. 115. The term 'areawide development plan' means an
9 officially adopted and regularly updated plan which delineates
10 the desired future pattern and intensity of growth and develop-
11 ment for an area, which provides for such growth and develop-
12 ment on a basis of the suitability of land for varying uses
13 and intensities of development, and which establishes the
14 desired timing for such growth and development on a basis of
15 when public services and facilities may be maintained and
16 provided feasibly and economically."

17 Sec. 2. Section 401 of the Intergovernmental Cooperation
18 Act of 1968 is amended by adding at the end thereof the
19 following new section:

20 "(f) Federal departments or agencies which administer
21 programs requiring by statute or regulation a State plan as
22 a condition of assistance under such programs shall require
23 that the Governor of the State, or such agency as the Governor
24 may designate, be given the opportunity to comment on the
25 relationship of such State plan to comprehensive and other
26 State plans and programs and to the plans and programs of
27 affected areawide planning agencies and units of general local
28 government. Federal agencies shall also require that affected

1 areawide comprehensive planning agencies and units of general
2 local government shall be provided with an opportunity to review
3 state plans where such plans have specific applicability to or
4 effect upon areawide or local planning and programming or
5 where such plans establish criteria or distribution formulas
6 or systems for state sub-grants of Federal assistance."

7 Sec. 3. Title V of the Intergovernmental Cooperation Act
8 of 1968 is amended to read as follows:

9 "TITLE V - ACQUISITION, USE, AND DISPOSITION OF LAND BY
10 FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION
11 PROGRAMS OF AFFECTED STATE AND LOCAL GOVERNMENTS

12 "DECLARATION OF PURPOSE AND POLICY

13 "Sec. 501. It is the purpose of this title to promote
14 more harmonious intergovernmental relations and to encourage
15 sound planning, zoning, and land-use practices by prescribing
16 uniform policies and procedures whereby Federal agencies shall
17 acquire, use, and dispose of land in order that land transactions
18 entered into by Federal agencies or on behalf of Federal agencies
19 shall, to the greatest extent practicable, be consistent with
20 zoning and land-use policies and practices and shall be made
21 to the greatest extent practicable in accordance with planning
22 and development objectives of the State and local governments
23 concerned.

24 "DISPOSAL OF FEDERAL LANDS

25 "Sec. 502. (a) Whenever the head of any Federal agency
26 contemplates the disposal of any real property or interest in
27 real property including rentals, leaseholds, or permits for
28 use, he shall, prior to offering such land for rental, lease,

1 use, or sale, give reasonable notice to the Governor of the
2 State in which such land is located and to the head of the
3 governing body of the unit of general local government having
4 jurisdiction over zoning and land-use regulation in the
5 geographical area within which the land or lands are located
6 in order to afford the State and local government the opportunity
7 of planning and zoning for the use of such land in accordance
8 with State, areawide, and local comprehensive planning.

9 "(b) The head of the Federal Agency, to the greatest
10 practicable extent, shall furnish to all prospective purchasers
11 of such real property, full and complete information concerning -

12 "(1) State, areawide, and local plans concerning
13 the area in which such property is located;

14 "(2) current zoning regulations and prospective
15 zoning requirements and objectives for such property when it
16 is unzoned; and

17 "(3) current availability to such property of
18 streets, sidewalks, sewers, water, street lights, and other
19 service facilities and prospective availability of such
20 services if such property is included in comprehensive planning.

21 "ACQUISITION OR CHANGE OF USE OF REAL PROPERTY

22 "Sec. 503. (a) To the extent practicable, prior to a
23 commitment to acquire any real property or any interest in
24 real property, Federal agencies shall notify the State, the
25 appropriate areawide agency, and the local unit of general
26 local government exercising zoning and land-use jurisdiction
27 over the land proposed to be purchased of his intent to
28 acquire such land and the proposed use of the property. In

1 the event that the head of a Federal agency determines that
2 such advance notice would have an adverse impact on the proposed
3 purchase he shall upon conclusion of the acquisition, immediately
4 notify such State, areawide agency, and local government of the
5 acquisition and the proposed use of the property.

6 "(b) In the acquisition or change of use of any real pro-
7 perty Federal agencies shall, to the extent practicable -

8 "(1) consider all objections made to any such
9 acquisition or change of use by such State, areawide agency, or
10 local unit of government upon the ground that the proposed
11 acquisition or change of use conflicts or would conflict
12 with the zoning regulations or planning objectives of the
13 State, areawide agency, or local government unit; and

14 "(2) comply with and conform to such regulations
15 of the State and the local unit of general local government
16 having jurisdiction with respect to the area within which such
17 property is situated and the planning and development objectives
18 of such State, areawide agency, and local government."

19 Sec. 4. The Intergovernmental Cooperation Act of 1968
20 is amended by adding at the end thereof a new title as follows:

21 "TITLE VII - AREAWIDE PLANNING COORDINATION

22 "FINDINGS, POLICY, AND PURPOSE

23 "Sec. 701 (a). The Congress finds that present require-
24 ments for areawide planning and programming in connection with
25 many Federal assistance programs have contributed greatly to
26 the solution of problems which affect the Nation's urban and
27 rural areas by providing forums in which the principal elected
28 officials of general purpose local governments can undertake

1 cooperative decision-making on matters of mutual concern.

2 "The Congress finds that differences in the administrative
3 components of Federal planning requirements often make it
4 difficult to achieve the overall purposes of areawide planning
5 by organizationally fragmenting areawide planning programs and
6 that such fragmentation wastes Federal, State, and local
7 resources and works to make comprehensive areawide planning
8 and programming either difficult or ineffective.

9 "The Congress finds that failure to integrate planning for
10 transportation, housing, land use, economic development, health
11 and health systems, social services, law enforcement, air and
12 water quality, open space and recreation facilities, and other
13 public facilities and services leads to conflict among public
14 policy objectives and results in undesirable and costly patterns
15 of urban development and redevelopment which adversely affect
16 the environment and wastefully use our natural, economic, and
17 human resources.

18 "(b) To promote the general welfare and to provide full
19 and wise application of Federal assistance in strengthening the
20 environmental, economic and social well-being of the people
21 of the United States, the Congress declares that it is a
22 continuing responsibility of the Federal Government, consistent
23 with the responsibility of State and local governments for
24 comprehensive areawide planning, to promote the development
25 and implementation of areawide coordinated, comprehensive,
26 development planning which shall incorporate environmental,
27 esthetic, economic, social, and other appropriate factors.
28 The Congress declares that it is the national policy to:

1 "(1) encourage planning which shall, to the maximum
2 extent feasible, cover entire areas having common or related
3 development and redevelopment problems.

4 "(2) encourage cooperation in developing and carrying
5 out plans among all interested municipalities, political sub-
6 divisions, public agencies and other parties in order to achieve
7 coordinated development and redevelopment of entire areas and
8 to assure the best utilization of Federal, State, and local
9 resources.

10 "(3) require that federally assisted areawide planning
11 relate to the wise and efficient growth of urban areas through
12 the coordinated use of such assistance to develop areawide
13 development plans,

14 "(4) to improve the quality of urban life through
15 the better use of existing investments in urban areas,

16 "(5) to promote urban conservation by encouraging
17 the concentration of development and the rehabilitation of
18 existing resources.

19 "(c) It is the purpose of this title:

20 "(1) To provide for efficient and effective management
21 of urban growth and redevelopment by strengthening the capacity
22 of general governmental institutions to contribute to balanced
23 and stabilized urban growth.

24 "(2) To reduce the social costs of urban sprawl and
25 urban core disintegration by encouraging better management of
26 the growth and redevelopment of our urban regions.

27 "(3) To ensure wise expenditure of Federal develop-
28 ment assistance by requiring that plans for use of Federal funds

1 are developed in a consistent and coordinated fashion so as
2 to promote rational and efficient patterns of urban and rural
3 development.

4 "(4) To encourage and facilitate State and local
5 initiative and responsibility in developing organizational
6 and procedural arrangements for coordinating comprehensive
7 and functional planning activities.

8 "(5) To encourage states to designate areawide
9 comprehensive planning agencies in non-metropolitan areas, which
10 agencies can coordinate Federal assistance in such manner as
11 to further rural development objectives.

12 "(6) To eliminate overlap, duplication, and competi-
13 tion in areawide planning activities assisted or required under
14 Federal programs and to encourage the most effective use of
15 State and local resources available for planning and resource
16 management.

17 "(7) To encourage the States to exercise leadership
18 in delineating and establishing a system of planning and develop-
19 ment districts in each State which can provide a consistent geo-
20 graphic base for the coordination of Federal, State, and local
21 development programs.

22 "(8) To provide for consistency among Federal require-
23 ments placed on areawide planning agencies.

24 "(9) To encourage Federal agencies administering
25 programs assisting or requiring areawide planning to utilize
26 common agencies to perform such planning and to permit state
27 and local elected officials to have maximum opportunity to
28 determine how best and by whom federally assisted areawide

1 planning shall be performed.

2 "COMPOSITION OF AREAWIDE PLANNING ORGANIZATIONS

3 "Sec. 702 (a). Upon the request of any areawide agency
4 which is designated under State laws or interlocal agreement
5 to perform areawide comprehensive planning and has been designated
6 as a planning and development clearinghouse under regulations
7 promulgated pursuant to Section 204 of the Demonstration Cities
8 and Metropolitan Development Act of 1966 or title IV of this
9 Act such areawide agency may be authorized or designated to
10 perform areawide planning assisted under any Federal assistance
11 program. To the greatest practicable extent consistent with
12 State law, the areawide agency should be composed of or responsible
13 to elected officials of a unit of areawide government or of the
14 units of general local government within whose jurisdiction such
15 agency is authorized to engage in such planning. Upon receipt
16 of such request the head of the department or agency of the
17 United States Government which administers the areawide planning
18 assistance program shall waive any requirement that such planning
19 be performed by an agency composed other than as provided in
20 this section, unless he determines that -

21 "(1) the areawide agency does not have a jurisdictional
22 area which conforms to or is consistent with any established
23 sub-state districting plan when such plan meets the requirements
24 of Section 704 of this Title,

25 "(2) the Governor of any affected State does not
26 concur in the request, and

27 "(3) the areawide agency does not possess or can not
28 acquire the capacity to perform effectively whatever functions

1 are required under Federal law or regulation in a manner con-
2 sistent with substantive program purposes and requirements.

3 "(b) Whenever the head of any department or agency of the
4 United States Government refuses to waive a requirement pursuant
5 to subsection (a) of this section, such refusal shall be reviewed
6 by the Director of the Office of Management and Budget. Unless
7 the Director confirms such refusal the requirement shall be
8 waived.

9 "COORDINATION OF AREAWIDE PLANNING ACTIVITIES

10 "Sec. 703 (a). Every areawide agency which is designated
11 as a planning and development clearinghouse under regulations
12 promulgated pursuant to Section 204 of the Demonstration
13 Cities and Metropolitan Development Act of 1966 or title IV
14 of this Act shall prepare, adopt, and update annually a program
15 for the coordinated use of Federal areawide planning assistance
16 to develop and implement a unified and comprehensive areawide
17 development plan. Unless such program for the coordinated
18 use of Federal areawide planning assistance has been adopted,
19 no grant which assists areawide planning shall be made after
20 two years from the date of enactment of the Intergovernmental
21 Coordination Act of 1976 to any areawide planning agency under
22 the authority of -

23 "(A) Section 701 of the Housing Act of 1954, as amended,

24 "(B) Section 302 of the Public Works and Economic Develop-
25 ment Act of 1965, as amended,

26 "(C) Section 9 of the Urban Mass Transportation Act of
27 1964, as amended,

28 "(D) Sections 104(f)(1) and 307 of Title 23 of the United

- 1 States Code,
- 2 "(E) Section 208 of the Federal Water Pollution Control
- 3 Act, as amended,
- 4 "(F) Section 13 of the Airport and Airways Development
- 5 Act of 1970, as amended,
- 6 "(G) Section 305(g) and 306(f) of the Coastal Zone
- 7 Management Act, as amended,
- 8 "(H) Section 1516 of the Public Health Service Act, as
- 9 amended,
- 10 "(I) Title I of the Comprehensive Employment and Train-
- 11 ing Act, as amended,
- 12 "(J) Section 207 of the Solid Waste Management Act, as
- 13 amended,
- 14 "(K) Section 105 of the Clean Air Act, as amended,
- 15 "(L) Section 203(c) of the Omnibus Crime Control and
- 16 Safe Street Act of 1968, as amended, or
- 17 "(M) Section 306(a)(11) of the Consolidated Farmers Home
- 18 Administration Act of 1961, as amended.

19 "The Director of the Office of Management and Budget shall

20 provide for joint review and approval of the program for

21 coordinated use of Federal areawide planning assistance

22 by appropriate Federal agencies and departments and by the Governor

23 of any affected State. The Director of the Office of Management

24 and Budget shall develop criteria for review and approval of

25 such programs and is encouraged to use Federal Regional Councils

26 to carry out such review and approval functions.

27 "(b) Activities necessary to develop or update an area-

28 wide development plan shall be eligible to be assisted under any

1 Federal assistance program which provides funds for areawide
2 planning.

3 "(c) Prior to providing planning assistance or granting
4 Federal recognition of any agency whose jurisdictional area
5 comprises more than one unit of general local government and
6 which agency is not designated as a planning and development
7 clearinghouse, the head of any department or agency of the
8 United States Government who administers the Federal assistance
9 program which assists areawide planning shall determine that
10 a suitable agreement has been consummated between the areawide
11 agency and the planning and development clearinghouse. Such
12 agreement shall provide for the following:

13 "(1) identification of relationships between the
14 planning proposed by the areawide agencies and of similar or
15 related activities that will require coordination;

16 "(2) the organizational and procedural arrangements
17 for coordinating such activities;

18 "(3) coordination of planning activities in such
19 manner as to provide for effective and efficient development
20 and implementation of a unified and comprehensive areawide
21 development plan;

22 "(4) cooperative arrangements for sharing planning
23 resources including resources needed to develop or update an
24 areawide development plan; and

25 "(5) base data, statistics, projections, and assump-
26 tions on the basis of which planning in the area will proceed
27 shall be those adopted by the agency designated as the planning
28 and development clearinghouse.

1 "(d) Unless an areawide development plan has been officially
2 adopted by the appropriate planning and development clearinghouse,
3 and by local governments comprising at least 75 percent of the
4 area population no assistance which is subject to the review
5 procedures established pursuant to section 204 of the Demonstra-
6 tion Cities and Metropolitan Development Act of 1966 or title
7 IV of this Act may be provided within the area of jurisdiction
8 of such clearinghouse after four years from the date of enact-
9 ment of the Intergovernmental Coordination Act of 1976 provided
10 that, the Director of the Office of Management and Budget may
11 waive such requirement for a period of two years with the con-
12 currence of the Governor of any affected State if he finds that
13 (1) such planning and development clearinghouse has an adequate
14 program for the development of an areawide development plan,
15 (2) such program provides for the adoption of an areawide develop-
16 ment plan within a reasonable period of time, and (3) the plan-
17 ning and development clearinghouse is making reasonable progress
18 toward such adoption. The Director of the Office of Management
19 and Budget shall establish rules and regulations governing
20 the formulation, evaluation, and review of areawide development
21 plans. Such rules and regulations shall include clear criteria
22 which will provide for achievement of the objectives of the
23 development assistance policies of Section 401(a) of the Inter-
24 governmental Cooperation Act of 1968 and shall also require that
25 areawide development plans shall be consistent with national
26 urban growth and rural development policies.

27 "(e) No assistance may be provided under any Federal
28 program if the head of the Federal agency administering such

1 program, or in the case of Federal programs principally admini-
2 stered by States, the appropriate State official, determines,
3 based upon a formal finding by the appropriate planning and
4 development clearinghouse, that such assistance is inconsistent
5 with areawide development planning.

6 "SUB-STATE PLANNING AND DEVELOPMENT DISTRICTS

7 "Sec. 704(a). Upon the request of the Governor of any
8 state, the head of any Federal department or agency of the
9 United States Government who administers a Federal program
10 which permits or requires the division of a state into two or
11 more planning and development districts for the purpose of
12 performing areawide planning shall use a sub-state districting
13 plan which conforms to or is consistent with any plan established
14 by the State if such plan meets the following minimum criteria:

15 "(A) The plan shall be developed in consultation with
16 elected officials representing major units of local government
17 affected thereby and shall be established under State laws or,
18 in the absence of such laws, by gubernatorial executive order.

19 "(B) The boundaries of any planning and development district
20 created by such plan shall, as a minimum, include the entirety
21 of any contiguous urban and urbanizing area or areas.

22 "(C) No metropolitan area may be divided by any districting
23 plan except where such division would not result in any viola-
24 tion of criterion (B) above.

25 "(D) Where two or more metropolitan areas share the same
26 urbanized and/or urbanizing area or any substantial portion
27 thereof they shall be treated as a single entity.

28 "(E) The sub-state districting plan shall consider the

1 factors of population concentration, housing and employment
2 market areas, transportation network, and natural systems.

3 "(F) Where a metropolitan area is located within two or more
4 states, the Governor of each affected State shall cooperate with
5 the Governor of every other affected State in the development
6 of districting plans which affect such metropolitan areas.
7 Whenever the Director of the Office of Management and Budget
8 determines that the Governors of affected States have been
9 unable to cooperatively develop such districting plans, he
10 shall determine the extent of the planning and development district
11 which affects such metropolitan area in consultation with affected
12 Federal departments and agencies and with affected State and
13 local governments.

14 "(b) The Director of the Office of Management and Budget
15 may waive any of the criteria specified in subsection (a)
16 of this section upon his determination that a strict applica-
17 tion of such criteria to a specific sub-state planning and
18 development district would be detrimental to the achievement
19 of the objectives of this Act. In granting any such waiver, the
20 Director shall consider (1) the degree to which such waiver
21 would result in more efficient, economical, and effective use
22 of Federal assistance for planning and development activities,
23 (2) the factors listed in criterion (E) of subsection (a) of
24 this section, and (3) whether suitable coordination arrangements
25 exist between contiguous areas which would otherwise be required
26 to be treated as an entity under such criteria.

27 "JOINT FUNDING

28 "Sec. 705. Funds made available under any Federal assist-

1 ance program for projects or activities undertaken by an area-
2 wide agency which is designated under State law or interlocal
3 agreement to perform areawide comprehensive planning and has
4 been designated as a planning and development clearinghouse
5 under regulations promulgated pursuant to Section 204 of the
6 Demonstration Cities and Metropolitan Development Act of 1966
7 or title IV of this Act may be used jointly with funds made
8 available for such projects or activities under any other
9 Federal assistance program subject to regulations prescribed
10 by the President. Such regulations may include provisions for
11 common technical or administrative requirements where varying
12 or conflicting provisions of law would otherwise apply, for
13 establishing joint management funds and common non-Federal
14 shares, and for special agreements, or delegations of authority
15 among different Federal agencies in connection with the super-
16 vision or administration of assistance. Such regulations shall
17 in any case include appropriate criteria and procedures to
18 assure that any special authorities conferred, which are not
19 otherwise provided for by law, shall be employed only as necessary
20 to promote effective and efficient administration and in a manner
21 consistent with the protection of the Federal interest and program
22 purposes or statutory requirements of a substantive nature.

23 "FEDERAL ASSISTANCE FOR AREAWIDE REVIEW ACTIVITIES.

24 "Sec. 706. In recognition of the importance to Federal
25 planning and development assistance programs of the intergovern-
26 mental review process, activities necessary to carry out any
27 review procedure required pursuant to Section 204 of the Demonstra-
28 tion Cities and Metropolitan Development Act of 1966 or title IV

1 of this Act shall be eligible to be assisted by any Federal
2 assistance program which provides funds for areawide or state-
3 wide planning.

4 "BIENNIAL REPORT

5 "Sec. 707. The President shall transmit to the Congress,
6 during the month of February in every even numbered year begin-
7 ning with 1978, a report on the administration of this title.
8 The report should include but not be limited to (1) an evalua-
9 tion of the areawide development plans prepared pursuant to this
10 title and their effectiveness in satisfying the purpose of this
11 title; (2) a summary of outstanding problems arising in the
12 administration of this title; (3) recommendations for changes
13 needed to resolve conflicts in the objectives of Federal assistance
14 programs which conflicts become apparent as a result of coordinated
15 administration pursuant to this title; and (4) such other informa-
16 tion as may be appropriate. The report shall be presented as an
17 identifiable portion of the Report on Urban Growth which is
18 required pursuant to Section 703 of the Urban Growth and New
19 Community Development Act of 1970.

20 "RULES AND REGULATIONS

21 "Sec. 708. The Office of Management and Budget, or such
22 other agency as may be designated by the President, is hereby
23 authorized to prescribe such rules and regulations as are
24 deemed appropriate for the effective administration of this
25 Title."
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94TH CONGRESS
1ST SESSION

H. R. 10538

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 1975

Mr. KEMP (for himself, Mr. BRINKLEY, Mr. DEVINE, Mr. FINDLEY, Mr. MOORE, Mr. MOORHEAD of California, Mr. TAYLOR of Missouri, Mr. WINN, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To accelerate the formation and accumulation of the investment capital required to expand both job opportunities and productivity in the private sector of the economy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Jobs Creation Act of
4 1975".

5 SEC. 2. TABLE OF CONTENTS.—

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Tax credits for qualified savings and investments.

Sec. 4. Individual retirement accounts, savings, and bonds.

Sec. 5. Exclusion from gross income of amounts received by an individual as dividends from domestic corporations.

Sec. 6. Limited exclusion of certain capital gains.

Sec. 7. Extension of time for payment of estate tax where estate consists largely of interest in closely held business.



94TH CONGRESS
2D SESSION

S. 50

IN THE SENATE OF THE UNITED STATES

MARCH 16, 1976

Referred to the Committee on Labor and Public Welfare and ordered to
be printed

AMENDMENTS

Intended to be proposed by Mr. HUMPHREY (for himself, Mr. WILLIAMS, Mr. NELSON, Mr. JAVITS, Mr. KENNEDY, Mr. BAYH, Mr. BROOKE, Mr. HARTKE, Mr. CASE, and Mr. PHILIP A. HART) to S. 50, a bill to establish a national policy and nationwide machinery for guaranteeing to all adult Americans able and willing to work the availability of equal opportunities for useful and rewarding employment, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

- 1 That this Act and the following table of contents may be cited
- 2 as the "Full Employment and Balanced Growth Act of
- 3 1976".

Amdt. No. 1468—O

★(Star Print)

[COMMITTEE PRINT NO. 3]

JUNE 18, 1975

Calendar No.

94TH CONGRESS
1ST SESSION

S. 5

[Report No. 94-]

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1975

Mr. CHILES (for himself, Mr. ABOUREZK, Mr. BAYH, Mr. BEALL, Mr. BIDEN, Mr. BROCK, Mr. BROOKE, Mr. CASE, Mr. CHURCH, Mr. CLARK, Mr. CRANSTON, Mr. GRAVEL, Mr. GARY W. HART, Mr. PHILIP A. HART, Mr. HASKELL, Mr. HATFIELD, Mr. HATHAWAY, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. LEAHY, Mr. MCGOVERN, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. NELSON, Mr. PACKWOOD, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. ROTH, Mr. STAFFORD, Mr. STONE, Mr. SYMINGTON, Mr. TUNNEY, and Mr. WEICKER) introduced the following bill; which was read twice and referred to the Committee on Government Operations

JUNE , 1975

Reported by Mr. -----, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~SECTION 1. SHORT TITLE. This Act may be cited as~~
4 ~~the "Government in the Sunshine Act".~~

Union Calendar No. 496

94TH CONGRESS
2D SESSION

H. R. 11656

[Report No. 94-880, Part I, Part II]

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1976

Ms. ABZUG (for herself, Mr. FASCELL, Mr. BROOKS, Mr. MOSS, Mr. MACDONALD of Massachusetts, Mr. MOORHEAD of Pennsylvania, Mr. ROSENTHAL, Mr. WRIGHT, Mr. FUQUA, Mr. CONYERS, Mr. JAMES V. STANTON, Ms. COLLINS of Illinois, Mr. JOHN L. BURTON, Mr. HARRINGTON, Mr. DRINAN, Mr. MEZVINSKY, Ms. JORDAN, Mr. EVANS of Indiana, Mr. MOFFETT, Mr. MAGUIRE, Mr. ASPIN, Mr. GUDE, Mr. McCLOSKEY, Mr. STEELMAN, and Mr. PRITCHARD) introduced the following bill; which was referred to the Committee on Government Operations

MARCH 8, 1976

Reported with amendments, referred to the Committee on the Judiciary for a period ending not later than April 8, 1976, for consideration of such provisions of the bill as fall within the jurisdiction of that committee under rule X, clause (1) (m), and ordered to be printed

[Insert the part printed in italic]

APRIL 8, 1976

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in boldface]

A BILL

To provide that meetings of Government agencies shall be open to the public, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Government in the
4 Sunshine Act".

file

94TH CONGRESS
1ST SESSION

H. R. 9341

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 1975

Mr. RANGEL introduced the following bill; which was referred to the Committee on Banking, Currency and Housing

A BILL

To establish a National Rebuilding and Development Bank, to provide for a long-range program to assist in assuring decent neighborhoods for all citizens, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Rebuilding and
4 Development Bank Act".

TABLE OF CONTENTS

- Sec. 2. Findings.
Sec. 3. Declaration of purpose.

TABLE OF CONTENTS—Continued

TITLE I—THE NATIONAL REBUILDING AND DEVELOPMENT BANK

- Sec. 101. Creation of bank.
- Sec. 102. Board of directors.
- Sec. 103. Loans and guarantees pursuant to national rebuilding and development program.
- Sec. 104. Other loans to State and local governments and purchase of obligations of State and local governments.
- Sec. 105. Obligations of the bank.
- Sec. 106. Federal payment to the bank.
- Sec. 107. General powers.
- Sec. 108. Suits involving the bank.
- Sec. 109. Limitation on removal of suits.
- Sec. 110. Technical assistance.
- Sec. 111. Audit of financial transactions.
- Sec. 112. Audit report to Congress.
- Sec. 113. Tax exemption.
- Sec. 114. Obligations as lawful investments, acceptance as security.
- Sec. 115. Preparation of obligations.
- Sec. 116. United States not liable.
- Sec. 117. Annual report.
- Sec. 118. Amendments and further provisions relating to financial institutions.
- Sec. 119. Conflict of interest.
- Sec. 120. Limitation of liability.
- Sec. 121. Definitions.

TITLE II—NATIONAL REBUILDING AND DEVELOPMENT PROGRAM

- Sec. 201. Loans and guarantees.
- Sec. 202. Agreements with contractors.
- Sec. 203. Sale and lease of facilities; operation of facilities.
- Sec. 204. Authority of local governments; approvals; injunctions.
- Sec. 205. Building and construction code requirements.
- Sec. 206. Maximum feasible private participation.
- Sec. 207. Maximum feasible citizen participation.
- Sec. 208. Labor standards.
- Sec. 209. Real estate taxation.
- Sec. 210. Land acquisition.
- Sec. 211. Prohibition of windfall profits.
- Sec. 212. Enforcement.
- Sec. 213. Separability.
- Sec. 214. Construction.
- Sec. 215. Validity of covenants.
- Sec. 216. Environmental advisory panel.

FINDINGS

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SEC. 2. The Congress hereby finds that:

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(a) The lack of long-range commitments and financing of efforts to rebuild blighted areas and to seek decent neighborhoods for all citizens has prevented the use of the most modern methods, caused job insecurity for employees in the industries involved, and led to higher costs than would otherwise exist.

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(b) Lack of job security in such industries has led to resistance to the use of new technologies and resistance to the bringing in of new employees into the work force.

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(c) High costs have led to rents and purchase price payments in rebuilt housing exceeding the ability to pay of residents in the communities affected, forcing many to move whether they wish to do so or not, often into worse housing at higher cost, and generating resistance to rebuilding efforts.

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(d) Many citizens of all backgrounds have been forced to flee intolerable conditions in our central cities even though they might otherwise wish to remain there, thus tending to cause suburbs to lose their suburban character and acquire city problems, creating unhealthy attitudes and threatening to spread blight into the countryside as well. Similarly, blight

1 in rural areas causes flight to the cities and injures the entire
2 Nation.

3 (e) High costs of housing have been fostered by
4 obsolete building and construction codes and property tax
5 systems which deter improvements.

6 (f) Only through a long-range concerted program sup-
7 ported by long-range development financing and investment
8 can these conditions be remedied.

9 (g) Federally assisted housing programs in the past
10 have been less effective than they otherwise could have
11 been because—

12 (i) Residence in publicly assisted housing has often
13 been limited to persons of low incomes, thus depriving
14 residents of incentive to raise their earning power, caus-
15 ing some to remain poor and forcing others to move,
16 often to worse housing at higher costs. This has con-
17 tributed to higher turnover, low morale, high crime rates,
18 and a poor public image for publicly aided housing
19 projects. This situation can be remedied by permitting
20 residents whose incomes rise to remain while requiring
21 them to pay a higher share of the cost of the develop-
22 ment in which they reside.

23 (ii) Publicly assisted housing has been lacking in
24 diversity because stores and other amenities have been

1 excluded from them, causing large, drab one-purpose
2 dormitories to be constructed. This can be remedied by
3 leasing concessions to operators of such amenities in pub-
4 licly assisted developments under suitable conditions.

5 (iii) Coordinated planning for rebuilding of entire
6 neighborhoods, retaining desirable features of the pre-
7 existing community and assuring that residents of pre-
8 existing communities may remain at rents or payments
9 within their reach if they wish to do so, has been
10 lacking.

11 (h) The sound and orderly development of the Nation's
12 communities, as well as the creation of new communities and
13 the expansion and enlargement of existing communities which
14 must take place to accommodate our growing population, also
15 requires the adequate and timely provision of a wide variety
16 of public and community facilities, such as streets, water,
17 sewers, schools, hospitals, libraries, airports, facilities for
18 liquid and solid waste disposal, mass transit, recreation, and
19 other facilities which serve community needs.

20 DECLARATION OF PURPOSE

21 SEC. 3. It is the purpose of this Act to provide for a
22 long-range rebuilding program to remove blight and to es-
23 tablish a National Rebuilding and Development Bank to
24 make long-term funds available for construction of dwellings
25 and related facilities in such a manner as to deal with the

1 conditions set forth in the findings contained in this Act, to
2 provide technical assistance to State and local governments
3 and their agencies and to help them meet needs for essential
4 public works and community facilities, and to assist in the
5 acquisition of land necessary to the above objectives.

6 TITLE I—THE NATIONAL REBUILDING AND
7 DEVELOPMENT BANK

8 CREATION OF BANK

9 SEC. 101. There is hereby created a body corporate to
10 be known as the National Rebuilding and Development
11 Bank, which shall have succession until dissolved by Act of
12 Congress. The bank, which shall not be an agency of the
13 United States Government except as provided in this Act,
14 shall maintain such offices as may be necessary or appropri-
15 ate in the conduct of its business.

16 BOARD OF DIRECTORS

17 SEC. 102. (a) The bank shall have a board of directors
18 which shall consist of seven persons, appointed by the Presi-
19 dent of the United States, by and with the advice and con-
20 sent of the Senate. The directors shall serve for seven-year
21 terms and until their successors have been appointed and
22 have qualified, except that the directors initially appointed
23 shall serve respectively for one-, two-, three-, four-, five-,
24 six-, and seven-year terms. Any position on the board which
25 becomes vacant shall be filled by appointment of the Presi-

1 dent but the term of any director so appointed shall include
2 only the unexpired portion of the term of the preceding di-
3 rector. The President of the United States, by and with the
4 advice and consent of the Senate, shall appoint a president of
5 the bank. The president of the bank shall be chairman of
6 the board of directors of the bank. The board of directors
7 shall meet at the call of its chairman or a majority of its
8 members. Meetings of the board of directors of the bank
9 shall be called at least once each two months. Subject to the
10 general policies established by the board of directors of the
11 bank, the president of the bank shall have charge of the man-
12 agement of the bank, and shall be the chief executive officer
13 of the bank.

14 (b) (1) Except as provided in paragraph (2) of this
15 subsection, members of the board of directors of the bank
16 shall each be entitled to receive the daily equivalent of the
17 annual rate of basic pay in effect for grade GS-18 of the
18 General Schedule for each day (including traveltime) dur-
19 ing which they are engaged in the actual performance of
20 duties vested in the board of directors.

21 (2) Members of the board who are full-time officers or
22 employees of the United States shall receive no additional
23 pay on account of their service on the board.

24 (c) Four members of the board shall constitute a
25 quorum.

1 (d) The board of directors of the bank shall appoint
2 such officers and employees as it deems necessary to carry
3 out the functions of the bank and may delegate such authority
4 from time to time in whole or in part to the president of the
5 bank. Such appointments may be without regard to the
6 provisions of title 5, United States Code, governing appoint-
7 ments in the competitive service, and persons so appointed
8 may be paid without regard to the provisions of such title
9 relating to classification and pay rates. No officer of the cor-
10 poration shall receive any salary or other remuneration from
11 any source other than the corporation during the period of
12 his employment by the corporation.

13 LOANS AND GUARANTEES PURSUANT TO NATIONAL
14 REBUILDING AND DEVELOPMENT PROGRAM

15 SEC. 103. The bank is authorized to make loans and to
16 guarantee loans by other financial institutions for the pur-
17 poses and under the provisions contained in title II of this
18 Act.

19 OTHER LOANS TO STATE AND LOCAL GOVERNMENTS AND
20 PURCHASE OF OBLIGATIONS OF STATE AND LOCAL
21 GOVERNMENTS

22 SEC. 104. (a) The bank is authorized, subject to the
23 other provisions of this Act, to make commitments to pur-
24 chase, and to purchase, service, or sell, on terms and condi-

1 tions determined by the bank, any obligation or participation
2 therein, of a State or local government.

3 (b) Any action by the bank under this section shall be
4 in accordance with sound and prudent development banking
5 principles, and no commitment under this section shall be
6 entered into, and no purchase shall be made, unless the bank
7 determines that the proceeds of any such purchase will be
8 used by the borrower to finance capital expenditures for pub-
9 lic works and community facilities serving community needs.

10 (c) The bank shall develop criteria to assure that proj-
11 ects assisted by it under this section are not inconsistent
12 with comprehensive planning for the development of the
13 community in which the projects to be assisted will be
14 located, or disruptive of Federal programs which authorize
15 Federal assistance for the development of like or similar
16 categories of projects.

17 (d) Any purchase made pursuant to this section may
18 be in an amount not exceeding the total capital cost of the
19 project to be financed; shall be secured in such manner and
20 be repaid in such period not exceeding forty years as may
21 be determined by the bank; and the obligation purchased
22 shall bear interest at a rate determined by the bank which
23 shall not be less than two-thirds the current average yield

1 on outstanding obligations of the bank as of the last day
2 of the month preceding the date on which the loan is made.

3 OBLIGATIONS OF THE BANK

4 SEC. 105. (a) Subject to restrictions contained in this
5 Act, the bank is authorized to issue and have outstanding
6 obligations having such maturities and bearing such rate or
7 rates of interest, if any, as may be determined by the bank:
8 *Provided*, That the bank shall have transmitted to Congress
9 a statement of its intent to issue any additional obligations
10 not less than sixty days prior to such issuance and that
11 neither House of Congress shall have adopted a resolution
12 disapproving such issuance prior thereto. Such obligations
13 may be redeemable at the option of the bank before maturity
14 in such manner as may be stipulated therein. All obligations
15 of the bank shall be fully guaranteed by the United States
16 both as to interest and principal, and such guarantee shall be
17 expressed on the face thereof. The bank is authorized to pur-
18 chase in the open market any of its outstanding obligations.

19 (b) The Secretary of the Treasury is authorized to pur-
20 chase obligations issued by the bank in order to carry out
21 the purposes of this Act and in order to effect such pur-
22 chases is authorized to issue and deliver to the bank obliga-
23 tions of the United States, which may be in addition to any
24 other such obligations authorized by law: *Provided*, That the
25 Secretary shall have transmitted to the Congress a state-

1 ment of his intention to make such purchases, the amount
2 thereof and the manner in which such purchases are to be
3 effected, not less than sixty days prior to making such pur-
4 chase, and that neither House of Congress shall have adopted
5 a resolution disapproving such purchases prior thereto. The
6 Secretary of the Treasury may sell, upon such terms and
7 conditions and at such price or prices as he shall determine,
8 any of the obligations acquired by him under this subsec-
9 tion. All purchases and sales by the Secretary of the Treas-
10 ury under this subsection shall be public debt transactions
11 of the United States. In the event that the obligations de-
12 livered to the Secretary by the bank in transactions au-
13 thorized by this section are noninterest bearing, those de-
14 livered to the bank by the Secretary shall likewise be non-
15 interest bearing.

16 (c) All institutions and corporations created by or under
17 Acts of Congress having funds authorized to be invested in
18 obligations of or guaranteed by the United States may in-
19 vest such funds in the purchase of obligations of the bank
20 notwithstanding any other provision of law.

21 (d) The several Federal Reserve banks are authorized
22 to purchase or discount any note, debenture, bond, or other
23 obligation, secured or unsecured, issued or held by the bank.

24 (e) Obligations of the bank are eligible for purchase by
25 the Federal Reserve Open Market Committee.

1 (f) Obligations of the bank are eligible for purchase by
2 any federally chartered or regulated commercial bank, sav-
3 ings and loan association, or mutual savings bank.

4 FEDERAL PAYMENTS TO THE BANK

5 SEC. 106. (a) With respect to such amounts of loans
6 of the bank as may be specified in appropriation Acts, the
7 Secretary of the Treasury is authorized to make, and to con-
8 tract to make, annual payments to the bank in amounts not
9 to exceed the amount by which the dollar amount of interest
10 paid by the bank on account of its obligations may exceed
11 the dollar amount of interest received by the bank on ac-
12 count of loans made by it pursuant to this Act.

13 (b) There are hereby authorized to be appropriated to
14 the bank and to the Secretary of the Treasury such sums as
15 may be necessary to carry out the provisions of this Act,
16 including such sums as may be necessary to make the annual
17 payments required by contracts entered into by the Secretary
18 pursuant to subsection (a) of this section.

19 (c) In order to facilitate the formation of the bank, the
20 Secretary of the Treasury is authorized to pay initial organiz-
21 ing and operating expenses out of the appropriations author-
22 ized by subsection (b) of this section or such other moneys
23 as may be available to him.

24 (d) Except as hereafter otherwise expressly provided
25 by law, such sums as may be appropriated pursuant to this

1 section shall remain available until expended without fiscal
2 year limitation.

3 **GENERAL PURPOSES**

4 **SEC. 107.** The bank shall have power—

5 (a) to sue and be sued, complain, and defend, in its
6 corporate name and through its own counsel;

7 (b) to adopt, alter, and use a corporate seal, which
8 shall be judicially noticed;

9 (c) to adopt, amend, and repeal by its board of di-
10 rectors, bylaws, rules, and regulations as may be neces-
11 sary for the conduct of its business;

12 (d) to conduct its business, carry on its operations,
13 and have offices and exercise the powers granted by this
14 Act in any State without regard to any qualification or
15 similar statute in any State;

16 (e) to lease, purchase, or otherwise acquire, own,
17 hold, foreclose upon, improve, use, or otherwise deal
18 in and with any property, real, personal, or mixed, or
19 any interest therein, wherever situated;

20 (f) to accept gifts or donations of services, or of
21 property, real, personal or mixed, tangible or intangible,
22 in aid of any of the purposes of the bank;

23 (g) to sell, convey, mortgage, pledge, lease, ex-
24 change, and otherwise dispose of its property and assets;

25 (h) to appoint such officers, attorneys, employees,

1 and agents as may be required, to determine their quali-
2 fications, to define their duties, to fix their salaries,
3 require bonds for them and fix the penalty thereof;

4 (i) to enter into contracts, to execute instruments,
5 to incur liabilities, charge and pay interest, charge fees
6 for guarantees and for services rendered, and to do all
7 things as are necessary or incidental to the proper man-
8 agement of its affairs and the proper conduct of its
9 business;

10 (j) except to the extent inconsistent with the provi-
11 sions of this Act, to exercise the general corporate pow-
12 ers of a corporation organized and existing under the
13 laws of the District of Columbia;

14 (k) to utilize funds received from interest, repay-
15 ments of loans, fees charged for guarantees, sales and
16 leases of property, and from sales of its obligations pur-
17 suant to section 105 and payments pursuant to section
18 106 for all proper purposes of the bank as authorized by
19 this Act;

20 (l) to require by contractual provisions that borrow-
21 ers from the bank or under loans guaranteed by the bank
22 pay to the bank a portion of profits from or proceeds of
23 investments financed by such loans where the bank
24 deems that such provision is justified by the risks as-
25 sumed by the bank;

1 (m) to provide in loan agreements for the subordi-
2 nation of its claims in the event of insolvency or bank-
3 ruptcy if the bank finds such action desirable in order to
4 induce additional private investments in projects which
5 will assist the purposes of this Act; and

6 (n) to establish its principal office in the District
7 of Columbia and to establish agencies or branch offices
8 anywhere in the United States.

9 SUITS INVOLVING THE BANK

10 SEC. 108. The district courts of the United States shall
11 have jurisdiction of suits by and against the bank without
12 regard to the amount in controversy or the citizenship of
13 the parties.

14 LIMITATION OF REMOVAL OF SUITS

15 SEC. 109. No person sued by the bank in the courts of
16 any State shall be entitled to remove the case under title 28,
17 section 1441, United States Code.

18 TECHNICAL ASSISTANCE

19 SEC. 110. (a) The bank is authorized to provide tech-
20 nical assistance to State and local governments in the prepa-
21 ration of comprehensive development projects and programs,
22 including the evaluation of priorities and the formulation of
23 specific project proposals. The bank may charge appropriate
24 fees for its service under this subsection.

25 (b) The bank is authorized to undertake research and

1 information gathering, and to facilitate the exchange of ad-
2 vance concepts and techniques relating to municipal and rural
3 growth and development among State and local govern-
4 ments.

5 (c) The bank shall have a staff familiar with the field
6 of development banking and personnel qualified to provide
7 information about the services furnished by the bank, and
8 to provide necessary assistance for utilization of such services.

9 AUDIT OF FINANCIAL TRANSACTIONS

10 SEC. 111. The financial transactions of the bank shall
11 be audited by the General Accounting Office in accordance
12 with the principles and procedures applicable to commercial
13 corporate transactions and under such rules and regu-
14 lations as may be prescribed by the Comptroller General of
15 the United States. The representatives of the General Ac-
16 counting Office shall have access to all books, accounts,
17 financial records, files, reports, and all other papers, things,
18 or property belonging to or in use by the bank necessary
19 to facilitate the audit, and shall be afforded full facilities for
20 verifying transactions and balances or securities held by
21 depositories, fiscal agents, and custodians. The expenses of
22 audits performed under this section shall be borne out of
23 appropriations to the General Accounting Office, and ap-
24 propriations of such sums as may be necessary for such pur-
25 pose are authorized.

AUDIT REPORT TO CONGRESS

1
2 SEC. 112. A report of each audit for a fiscal year shall
3 be made by the Comptroller General to the President and to
4 the Congress not later than six months following the close
5 of each fiscal year. The report shall set forth the scope of
6 the audit and shall include a statement (showing intercor-
7 porate relations) of assets and liabilities, capital and surplus
8 or deficit; a surplus or deficit analysis; a statement of income
9 and expense; a statement of sources and application of funds;
10 and such comments and information as may be deemed nec-
11 essary to keep Congress informed of the operations and fi-
12 nancial condition of the bank, together with such recom-
13 mendations with respect thereto as the Comptroller General
14 may deem advisable, including a report of any impairment
15 of capital or lack of sufficient capital noted in the audit. A
16 copy of each report shall be furnished to the Secretary of the
17 Treasury and the bank.

TAX EXEMPTION

18
19 SEC. 113. The bank, its property, its franchise, capital,
20 reserves, surplus, security holdings, and other funds and its
21 income shall be exempt from all taxation now or hereafter
22 imposed by the United States or by any State or local gov-
23 ernment or taxing authority, except that—

24 (a) subject to the limitations contained in title II
25 of this Act, any real property and any tangible personal

1 property of the bank shall be subject to Federal, State,
2 and local taxation to the same extent according to its
3 value as other such property is taxed; and

4 (b) obligations issued by the bank shall be subject
5 both as to principal and interest to Federal, State, and
6 local taxation to the same extent as the obligations of
7 private corporations are taxed.

8 OBLIGATIONS AS LAWFUL INVESTMENTS, ACCEPTANCE AS
9 SECURITY

10 SEC. 114. All obligations issued by the bank shall be
11 lawful investments, and may be accepted as security for all
12 fiduciary, trust, and public funds, the investment or deposit
13 of which shall be under authority or control of the United
14 States or any officer or officers thereof. All obligations issued
15 by the bank pursuant to this Act shall be deemed to be
16 exempt securities within the meaning of laws administered
17 by the Securities and Exchange Commission.

18 PREPARATION OF OBLIGATIONS

19 SEC. 115. In order to furnish obligations for delivery by
20 the bank, the Secretary of the Treasury is authorized to pre-
21 pare such obligations in such form as the board of directors
22 of the bank may approve, such obligations when prepared to
23 be held in the Treasury subject to delivery upon order by
24 the bank. The engraved plates, dies, bed pieces and the like
25 executed in connection therewith shall remain in the custody

1 of the Secretary of the Treasury. The bank shall reimburse
2 the Secretary of the Treasury for expenditures made in the
3 preparation, custody, and delivery of such obligations.

4 UNITED STATES NOT LIABLE

5 SEC. 116. The United States shall not be liable for any
6 debts, defaults, acts, or omissions of the bank except under
7 guarantees authorized by section 105 (a) of this Act.

8 ANNUAL REPORT

9 SEC. 117. The bank shall, as soon as practicable after
10 the end of each fiscal year, transmit to the President of the
11 United States and the Congress an annual report of its opera-
12 tions and activities.

13 AMENDMENTS AND FURTHER PROVISIONS RELATING TO
14 FINANCIAL INSTITUTIONS

15 SEC. 118. (a) The sixth sentence of the seventh para-
16 graph of section 5136 of the Revised Statutes, as amended
17 (12 U.S.C. 24), is amended by inserting "or obligations of
18 the National Rebuilding and Development Bank," immedi-
19 ately after "or obligations, participations, or other instru-
20 ments of or issued by the Federal National Mortgage Asso-
21 ciation or the Government National Mortgage Association."

22 (b) Section 5200 of the Revised Statutes, as amended
23 (12 U.S.C. 84), is amended by adding at the end thereof the
24 following new paragraph:

25 "(14) Obligations of the National Rebuilding and

1 Development Bank shall not be subject to any limitation
2 based upon such capital and surplus.”.

3 (c) The first paragraph of section 5 (c) of the Home
4 Owners' Loan Act of 1933, as amended (12 U.S.C. 1464
5 (c)), is amended by inserting “or in obligations of the
6 National Rebuilding and Development Bank;” in the second
7 proviso immediately after “any political subdivision thereof;”.

8 (d) Paragraph (2) of section 14 (b) of the Federal
9 Reserve Act, as amended (12 U.S.C. 355), is further
10 amended by inserting “or any obligation of the National
11 Rebuilding and Development Bank” immediately before
12 the period at the end thereof.

13 (e) For purposes of title 18, United States Code, the
14 bank shall be deemed to be an agency of the United States.

15 (f) For the purposes of provisions of title 18, United
16 States Code, respecting counterfeiting and other unlawful
17 acts respecting obligations of the United States and for no
18 other purpose, obligations of the bank shall be deemed to
19 be obligations of the United States.

20 (g) The bank shall be a wholly owned Government
21 corporation as defined in section 101 of the Government Cor-
22 poration Control Act (31 U.S.C. 846) and specifically ex-
23 empt from such Act, and section 101 of such Act is amended
24 by inserting before the period a semicolon and the following:
25 “and National Rebuilding and Development Bank”, and the

1 bank shall be deemed a corporation described in section 403
2 (d) (3) (A) (ii) of the Congressional Budget Act of 1974.
3 The receipts and disbursements of the bank shall not be in-
4 cluded in the totals of the budget of the United States Gov-
5 ernment.

6 CONFLICT OF INTEREST

7 SEC. 119. (a) No member of the board of directors, offi-
8 cer, attorney, agent, or employee of the bank shall in any
9 manner, directly or indirectly, participate in the deliberations
10 upon or the determination of any question affecting his per-
11 sonal interests, or the interests of any corporation, partner-
12 ship, or association in which he is directly or indirectly
13 interested.

14 (b) The bank shall not engage in political activities nor
15 provide financing for or assist in any manner any project
16 or facility involving political parties, nor shall the members
17 of the Board, officers, employees, or agents of the bank in
18 any way use their connection with the bank for the purpose
19 of influencing the outcome of any election.

20 LIMITATION OF LIABILITY

21 SEC. 120. No officers, directors, or employees of the
22 corporation, while acting within the scope of their authority,
23 shall be subject to any personal liability resulting from the
24 activities of the corporation.

1

DEFINITIONS

2

SEC. 121. As used in this Act—

3

(a) The term "bank" means the National Rebuilding and Development Bank created by this Act.

5

(b) The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or any agency of instrumentality of a State.

10

(c) The term "local government" means any county, municipality, or other political subdivision of a State, or agency or instrumentality thereof, or any school or other special district created by or pursuant to State law.

14

(d) The term "obligation" means and includes any bond, note, debenture, or other instrument, interest-bearing or otherwise, evidencing debt.

17

TITLE II—NATIONAL REBUILDING AND

18

DEVELOPMENT PROGRAM

19

LOANS AND GUARANTEES

20

SEC. 201. The bank is authorized to make loans and guarantees thereof for the purpose of construction of housing and community facilities and obtain, sell, or lease property on such terms as will effectuate the purposes of this Act. In exercising such powers the bank shall be guided by the findings set forth in section 2 of this Act.

25

1 AGREEMENTS WITH CONTRACTORS

2 SEC. 202. In making loans, and guarantees and sales
3 or leases of property, the bank shall include terms whereby
4 developers, public or private borrowers, contractors and
5 subcontractors who are to perform or contract for construc-
6 tion shall agree to:

7 (a) employ personnel for periods, which may
8 exceed one year, up to the life of the contract entered
9 into for construction or development pursuant to the
10 loan or guarantee made by the bank;

11 (b) utilize the most modern and efficient methods
12 of works;

13 (c) provide evidence satisfactory to the bank that
14 collective-bargaining representatives of employees have
15 agreed to the use of the methods referred to in subsection
16 (b) in view of assurances of employment pursuant to
17 subsection (a) of this section and the program authorized
18 by this Act;

19 (d) comply with safety and other building and
20 construction standards fixed by the Secretary of the
21 Department of Housing and Urban Development where
22 promulgated pursuant to this title; and

23 (e) adhere to such other conditions as may be neces-
24 sary to effectuate the purposes of this Act or which may
25 be required pursuant to other provisions of this Act.

1 SALE AND LEASE OF FACILITIES; OPERATION OF FACILITIES

2 SEC. 203. In making loans and guarantees and sales or
3 leases of property the bank may include terms whereby
4 persons and public or private corporations shall agree to
5 operate facilities under terms and conditions which will
6 effectuate the purposes of this Act, including but not limited
7 to such of the following as may be appropriate:

8 (a) that residents in housing constructed pursuant
9 to this Act who receive incomes in amounts less than a
10 specified level shall have their rentals or cooperative or
11 condominium purchase price payments reduced or de-
12 ferred under a formula fixed by the bank, and that pay-
13 ments by the owner, lessee, or operator to the bank may
14 be reduced or deferred accordingly;

15 (b) that residents who make reduced or deferred
16 payments pursuant to subsection (a) shall make in-
17 creased payments as their incomes rise;

18 (c) that new housing be open on a priority basis
19 to persons previously residing in the community involved
20 and that there be no discrimination based upon race,
21 creed, color, national origin, sex, or other irrelevant or
22 invidious grounds with respect to residents or prospec-
23 tive residents;

24 (d) that rents or purchase price payments for

1 tenants or purchasers generally be governed by a spec-
2 ified formula or procedure;

3 (e) that space be reserved on specified terms for
4 stores or other amenities, to be used in a specified
5 manner, if such use is possible;

6 (f) that priority be given to persons of low incomes
7 for initial occupancy in a specified proportion of units
8 in any project: *Provided*, That such persons shall not
9 be required to vacate such units because of subsequent
10 increases in their incomes other than by reason of fail-
11 ure to pay increased charges on such account as author-
12 ized under subsection (b) of this section;

13 (g) that space be reserved on specified terms for
14 the use of local public agencies or nonprofit agencies
15 for such purposes as schools, museums, recreation, law
16 enforcement, and other community requirements.

17 AUTHORITY OF LOCAL GOVERNMENTS; APPROVALS;

18 INJUNCTIONS

19 SEC. 204. (a) The Governor of any State and the high-
20 est elected official of any local government may at any time
21 deposit with the bank a written request that loans or guaran-
22 tees for construction in the State or locality under this title
23 be withheld and may at any time revoke such request. While
24 such request is in effect and has not been revoked, no further

1 loans or guarantees for construction in such State or locality
2 shall be made pursuant to this title, but this shall not affect
3 the completion of projects begun prior to the depositing of
4 such request, or which may be carried out under loans or
5 guarantees made prior to the depositing of such request.

6 (b) If no unrevoked request is on file pursuant to sub-
7 division (a) of this section—

8 (i) any construction financed in whole or in part
9 by loans made or guaranteed by the bank may proceed
10 without further affirmative permits or approvals or
11 variances by State, local, or Federal agencies if the bank
12 certifies that such construction is pursuant to a plan
13 approved by it and meets all applicable requirements
14 under this Act: *Provided*, That this subsection shall not
15 relieve any party of liability for violation of any law,
16 regulation, or ordinance other than one requiring any
17 form of affirmative approval, permit, or variance;

18 (ii) State or local laws and regulations limiting
19 or stabilizing rents shall not apply to dwellings, con-
20 struction of which was financed in whole or in part
21 by loans made or guaranteed by the bank.

22 (c) In the event that any suit is filed seeking injunc-
23 tive relief against construction of any project financed in
24 whole or in part by any loan made or guaranteed by the
25 bank, such action may be removed to the appropriate United

1 States district court. Such court in any such suit or in any
2 suit originally brought in such court on any ground—

3 (i) shall consider the policy of this Act to avoid all
4 unnecessary delays in construction in projects financed
5 under this Act;

6 (ii) shall deny preliminary injunctive relief against
7 any such construction unless it plainly appears that such
8 relief is indispensable to justice; and

9 (iii) shall give weight to the opinion of the bank
10 as to the effect of any injunctive relief against such con-
11 struction upon the purposes of this Act. The bank shall
12 consider environmental quality in all major plans and
13 decisions and shall establish an environmental advisory
14 committee to assist it in such matters without regard to
15 any other provision of law or Executive order.

16 (d) Loans or guarantees made by the bank shall not be
17 deemed major actions requiring the filing of an environmen-
18 tal impact statement, but shall be reviewed by such commit-
19 tee prior to final action by the bank.

20 BUILDING AND CONSTRUCTION CODE REQUIREMENTS

21 SEC. 205. Except as to States which the Secretary of the
22 Department of Housing and Urban Development finds have
23 a uniformly applicable building and construction code con-
24 sistent with the most efficient methods of construction, the
25 Secretary of the Department of Housing and Urban Develop-

1 opment where necessary to the effectuation of the purposes of
2 this Act may prescribe building and construction code re-
3 quirements which shall be applicable to construction pursuant
4 to loans or guarantees under this Act, and which shall super-
5 sede otherwise applicable State or local laws, ordinances, and
6 regulations on such subjects as to such construction to the
7 extent specified by the Secretary. Requirements imposed un-
8 der this section shall be designed to protect the health and
9 safety of residents and citizens as fully as would the other-
10 wise applicable laws. The United States, the bank, and the
11 Secretary shall not be liable as a result of the exercise of
12 authority under this section, but the bank may require
13 owners, lessees, operators, contractors, and subcontractors
14 to procure insurance against accidents for the benefit of em-
15 ployees, residents, and the public in a form satisfactory to it.
16 The bank and the Secretary of the Department of Housing
17 and Urban Development may utilize the services of the Na-
18 tional Institute of Building Sciences in performing their func-
19 tions under this section.

20 MAXIMUM FEASIBLE PRIVATE PARTICIPATION

21 SEC. 206. It is the intent of this Act that the private
22 sector be involved in efforts to further the objectives of this
23 Act to the maximum possible extent, and to this end—

24 (a) the bank may accept private participation in

1 loans and guarantees under this Act in a manner con-
2 sistent with the objectives of this Act;

3 (b) all construction hereunder shall be carried on
4 by private contractors;

5 (c) housing constructed under this Act shall be
6 sold, leased, or transferred to private owners or oper-
7 ators, including residents of such housing, pursuant to
8 section 203 of this Act to the maximum extent consist-
9 ent with the objectives of this Act.

10 MAXIMUM FEASIBLE CITIZEN PARTICIPATION

11 SEC. 207. In exercising its powers under this Act, the
12 bank shall consult citizens in the areas to be affected and
13 afford them maximum feasible participation in decisions af-
14 fecting them. For such purpose it may appoint, or provide
15 for the election or appointment of local advisory bodies
16 without regard to any other provision of law or any Execu-
17 tive order.

18 LABOR STANDARDS

19 SEC. 208. All laborers and mechanics employed by con-
20 tractors or subcontractors on all construction projects financed
21 by loans made or guaranteed under this Act shall receive
22 terms and conditions of employment at least as advantageous
23 and beneficial to them as wages at rates on similar construc-
24 tion in the locality as determined in accordance with the

1 Davis-Bacon Act as amended (40 U.S.C. 276a—276a-5).
2 The Secretary of Labor and the Secretary of Housing and
3 Urban Development by agreement between them may jointly
4 promulgate regulations governing conditions, including long-
5 term employment which shall qualify under this section. The
6 Secretary of Labor shall have, with respect to the labor stand-
7 ards specified in this section, the authority and functions set
8 forth in Reorganization Plan Numbered 14 of 1950 (15 F.R.
9 3176; 5 U.S.C. 133z-15) and section 2 of the Act of
10 June 13, 1934, as amended (40 U.S.C. 276 (e)), which he
11 may exercise directly, or in such equally effective manner as
12 he and the Secretary of Housing and Urban Development
13 may jointly agree upon with respect to projects under this
14 title. No payments on work under this section may be made
15 in kind or in any way other than in money or where other-
16 wise permitted by check.

17 REAL ESTATE TAXATION

18 SEC. 209. Where the board of directors of the bank de-
19 termines that the degree of taxation levied upon improve-
20 ments on real estate will defeat the purposes of this Act, the
21 bank or its lessee may in lieu of taxes pay to the taxing ju-
22 risdiction with respect to property held or leased by the bank
23 (a) such amounts as may be agreed upon between the bank
24 and the taxing authority, or (b) in the absence of such
25 agreement, such amounts as the appropriate United States

1 district court determines would be due were the taxation
2 levied upon the location value of the property had the im-
3 provements financed under this Act not been made, together
4 with a reasonable charge for additional services required to
5 be rendered by the taxing jurisdiction. The Secretary of the
6 Department of Housing and Urban Development may pro-
7 vide by regulation that this section shall not be applied where
8 real estate taxes meet standards designed to avoid unduly
9 burdensome taxation of improvements.

10 LAND ACQUISITION

11 SEC. 210. The bank may acquire property to carry out
12 the purposes of this Act, including property concerning con-
13 struction on which the bank may extend loans or guar-
14 antees, by foreclosure, purchase, or condemnation provided
15 that condemnation shall not be utilized in any State or lo-
16 cality while an unrevoked request pursuant to section 204
17 of this Act is in effect. Where necessary to the effectuation of
18 the purposes of this Act, the bank may take title to prop-
19 erty to be condemned by reasonable advance notification to
20 the owner and tender of estimated damages subject to further
21 ascertainment of damages through judicial proceedings sub-
22 sequent to such taking.

23 PROHIBITION OF WINDFALL PROFITS

24 SEC. 211. Wherever the bank approves plans for rede-
25 velopment of an area or community or portions thereof in

1 order to carry out the purposes of this Act, all properties
2 obtained by purchase or foreclosure or by condemnation
3 pursuant to section 210 of this Act, or by purchase, fore-
4 closure, or condemnation by State or local public authority,
5 in furtherance of such plans, shall be deemed obtained pur-
6 suant to a single public project and included in such project
7 from the beginning of such plans for purposes of ascertain-
8 ment of damages for taking of any such properties. Damages
9 awarded to a condemnee for property taken pursuant to
10 section 210 of this Act shall not include any amount trace-
11 able to improvements in neighboring properties, areas or
12 communities which were made in whole or in part by loans
13 made or guaranteed under this Act, or to increases in value
14 of the land taken because of such improvements. In awarding
15 compensation for takings under section 210 of this Act the
16 court shall take into account any extent to which buildings
17 on property taken are in violation of building or housing
18 codes or other local, State, or Federal laws, and the cost
19 which would be necessary to bring such buildings into con-
20 formity with such laws and to pay any taxes due.

21 ENFORCEMENT

22 SEC. 212. (a) The district courts of the United States
23 shall have jurisdiction without regard to the amount in con-
24 troversy or the citizenship of the parties of all suits for viola-
25 tion of this Act or contracts, stipulations or regulations

1 hereunder. The bank shall have standing to bring actions
2 under this section to enforce contracts and agreements au-
3 thorized or required under this Act, whether or not it is a
4 party to such contract or agreement. The bank shall have the
5 authority to intervene in any judicial proceedings involving
6 the construction or application of this Act or any contract,
7 stipulation, or regulation hereunder. In any suit brought
8 under this section, the court shall have the power to grant
9 such relief as may be just.

10 (b) Violations of building and construction code re-
11 quirements promulgated under section 205 shall be punish-
12 able by such civil or criminal sanctions as apply to violations
13 of State or local building and construction codes in the loca-
14 tion involved, in addition to being subject to the provisions
15 of this section. Such violations may be prosecuted by the
16 appropriate local authorities in State courts. In the absence
17 of such prosecution such violations shall constitute and be
18 prosecutable as offenses against the United States.

19 SEPARABILITY

20 SEC. 213. If any provision of this Act, or the applica-
21 tion of such provision to any person or circumstances shall
22 be held invalid, the remainder of this Act, and the appli-
23 cation of such provision to other persons and circumstances
24 shall not be affected thereby.

CONSTRUCTION

1
2 SEC. 214. Wherever a provision of title I or title II
3 of this Act refers to this Act, it shall be taken to include
4 both title I and title II of this Act.

VALIDITY OF COVENANTS

5
6 SEC. 215. Any covenant or stipulation which the bank
7 shall insert, or require to be inserted, in any conveyance,
8 lease, sale, or transfer of property, to the effect that such
9 property or interest therein conveyed shall be used in a
10 specified manner or shall be subject to conditions designed
11 to effectuate the purposes of this Act, shall be recognized
12 as valid, and shall not be extinguished by further transfers
13 of such property with or without notice except with the
14 consent of the bank or under regulations prescribed by the
15 bank. Such covenants or stipulations may provide that the
16 interest transferred, sold, or conveyed shall revert to the
17 bank if the conditions set forth are breached, and such pro-
18 visions shall be given full effect for all purposes.

ENVIRONMENTAL ADVISORY PANEL

19
20 SEC. 216. (a) The board of directors of the bank shall
21 establish an environmental advisory panel, which may es-
22 tablish such additional subadvisory panels and processes as
23 it may deem necessary to carry out the processes of this
24 Act, and may do so without regard to any other provision
25 of law or of any executive order or regulation promulgated

1 prior to the enactment of this Act. Such environmental
2 advisory panel shall be broadly representative of the scientific
3 community. No person, firm, or corporation shall receive
4 any remuneration for advice other than transportation and
5 actual expenses and not more than an amount per day actu-
6 ally spent for the purpose of assisting the bank which shall
7 be made public by the board of directors of the bank from
8 time to time and published in the Federal Register, and no
9 employee of the Federal Government shall be paid amounts
10 other than for transportation and actual expenses unless the
11 president of the bank shall certify that such services are
12 necessary to effectuate the purpose of this Act. All such
13 certifications shall be reported to Congress not less than
14 thirty days prior to the date of any payment or commitment
15 for remuneration in excess thereof. The size, membership,
16 and composition of the environmental advisory panel may
17 be fixed and altered by the board of directors of the bank
18 from time to time. Members representing the National Sci-
19 ence Foundation, the Environmental Protection Agency,
20 the National Bureau of Standards, the Energy Research
21 and Development Administration and other appropriate Fed-
22 eral agencies active in the field of scientific research shall
23 be included on the environmental advisory panel.

24 (b) The environmental advisory panel shall consider
25 the environmental aspects of all construction to be financed

94TH CONGRESS
1ST SESSION

H. R. 8713

[Report No. 94-506]

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1975

Mr. ROJINO (for himself, Mr. EBERG, Mr. DODD, Mr. RUSSO, and Mr. FISH)
introduced the following bill; which was referred to the Committee on
the Judiciary

SEPTEMBER 24, 1975

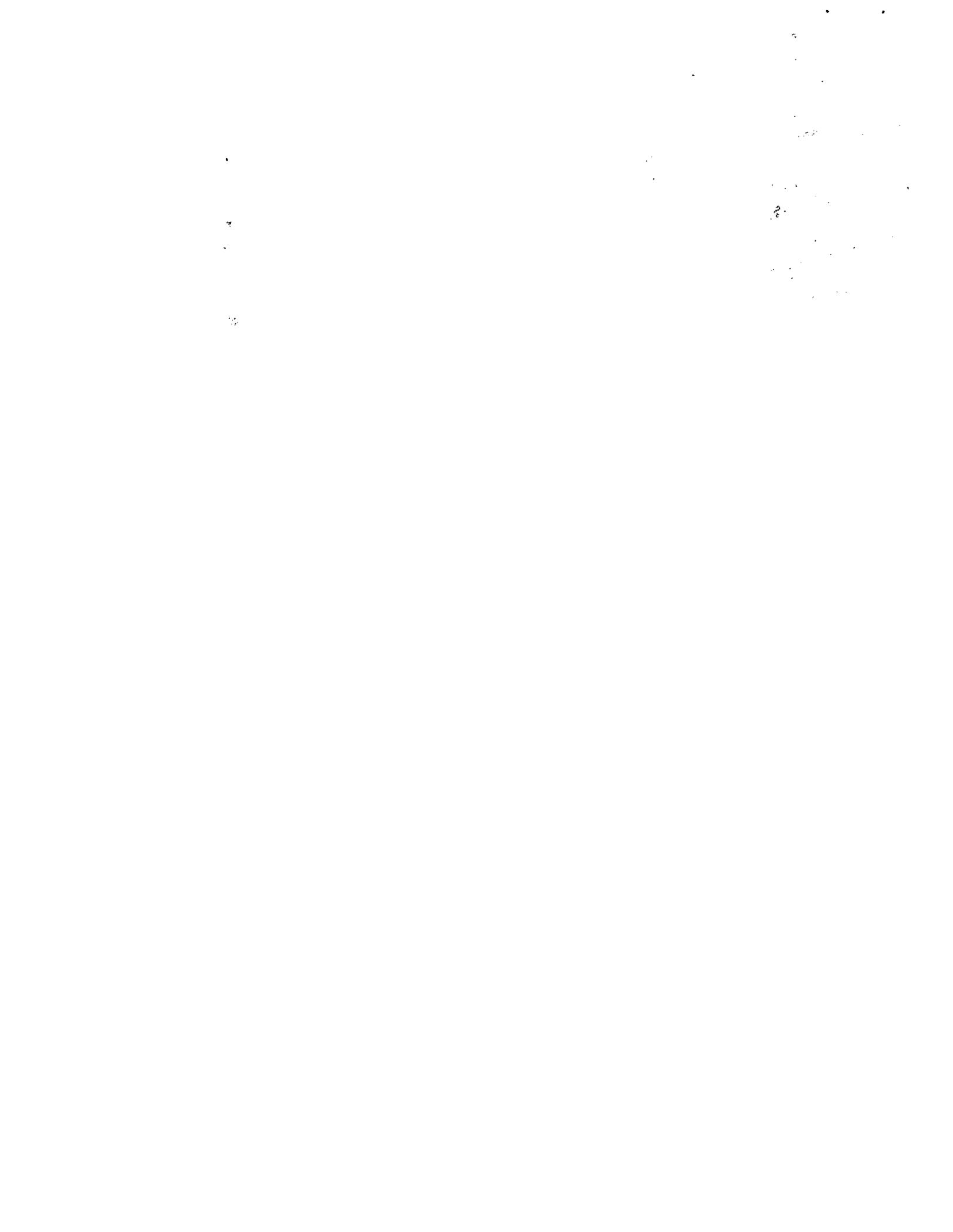
Reported with an amendment, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Immigration and Nationality Act, and for other
purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled;*
3 That, section 245 of the Immigration and Nationality Act
4 (8 U.S.C. 1255) is amended to read as follows:
5 "SEC. 245. (a) The status of an alien who was in-
6 spected and admitted or paroled into the United States may
7 be adjusted by the Attorney General, in his discretion and
8 under such regulations as he may prescribe, to that of an
9 alien lawfully admitted for permanent residence if (1) the
10 alien makes an application for such adjustment, (2) the



1 alien is eligible to receive an immigrant visa and is admissi-
2 ble to the United States for permanent residence, and (3)
3 an immigrant visa is immediately available to him at the
4 time his application is filed.

5 “(b) Upon the approval of an application for adjust-
6 ment made under subsection (a), the Attorney General
7 shall record the alien’s lawful admission for permanent
8 residence as of the date the order of the Attorney General
9 approving the application for the adjustment of status is
10 made, and the Secretary of State shall reduce by one the
11 number of the preference or nonpreference visas authorized
12 to be issued under section 203 (a) within the class to which
13 the alien is chargeable, or the number of visas authorized
14 to be issued pursuant to the provisions of section 21 (e) of
15 the Act of October 3, 1965, for the fiscal year then current.

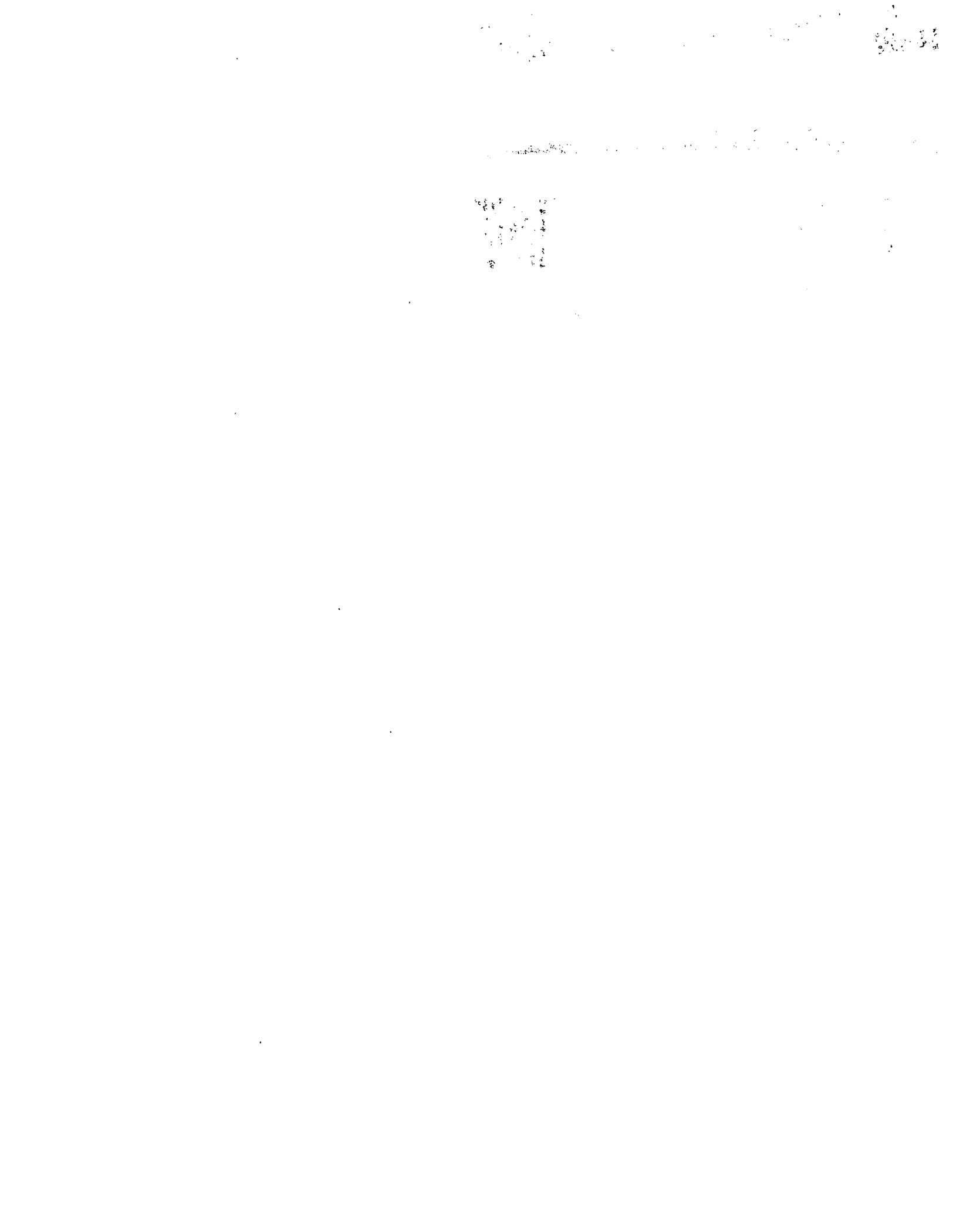
16 “(c) The provisions of this section shall not be applica-
17 ble to: (1) an alien crewman; (2) an alien (other than an
18 immediate relative as defined in section 201 (b)) who here-
19 after continues in or accepts unauthorized employment prior
20 to filing an application for adjustment of status; or (3) any
21 alien admitted in transit without visa under section 212 (d)
22 (4) (C).”

23 SEC. 2. Section 274 of the Immigration and Nationality
24 Act (8 U.S.C. 1324) is amended by deleting the proviso
25 in paragraph 4 of subsection (a) and by redesignating sub-

1 section (b) as subsection (c) and adding new subsections
2 (b), (c), and (d) to read as follows:

3 “(b) (1) It shall be unlawful for any employer or any
4 person acting as an agent for such an employer, or any per-
5 son who, for a fee, refers an alien for employment by such
6 an employer, knowingly to employ, continue to employ, or
7 refer for employment any alien in the United States who
8 has not been lawfully admitted to the United States for
9 permanent residence, unless the employment of such alien
10 is authorized by the Attorney General.

11 “(2) If, on evidence or information he deems persua-
12 sive, the Attorney General, after affording an opportunity
13 to respond to and rebut such evidence or information, rea-
14 sonably concludes that an employer, or a person acting as an
15 agent for such an employer, or any person who, for a fee, re-
16 fers an alien for employment by such an employer, employs,
17 continues to employ, or refers for employment any alien in
18 the United States who has not been lawfully admitted for per-
19 manent residence, or any alien whose employment has not
20 been authorized by the Attorney General, the Attorney Gen-
21 eral may serve a citation on the employer, agent, or referrer
22 containing a notification that the alien's employment is not
23 authorized and a warning of the penalties and injunctive
24 remedy set forth in this section. The procedure prescribed
25 by and the provisions of chapter 7 of title 5, United States



1 Code, shall apply to and shall be the sole and exclusive
2 procedure for the judicial review of a citation served by
3 the Attorney General. An action for judicial review of a
4 citation may be filed in the appropriate judicial district
5 not later than sixty days from the date of issuance of the
6 citation.

7 “(3) If, in a proceeding initiated within two years after
8 the service of such citation, the Attorney General finds that
9 any employer, agent, or referrer upon whom such citation
10 has been served has thereafter violated the provisions of
11 paragraph (1), the Attorney General shall assess a penalty
12 of not more than \$500 for each alien in respect to whom any
13 violation of paragraph (1) is found to have occurred.

14 “(4) A civil penalty shall be assessed by the Attorney
15 General only after the person charged with a violation under
16 paragraph (3) has been given an opportunity for a hearing
17 and the Attorney General has determined that a violation
18 did occur, and the amount of the penalty which is warranted.
19 The hearing shall be of record and conducted before an im-
20 migration officer designated by the Attorney General, in-
21 dividually or by regulation, and the proceedings shall be con-
22 ducted in accordance with the requirements of title 5, section
23 554, of the United States Code.

24 “(5) If the person against whom a civil penalty is as-
25 sessed fails to pay the penalty within the time prescribed

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1 in such order, the Attorney General shall file a suit to collect
2 the amount in any appropriate district court of the United
3 States. In any such suit or in any other suit seeking to re-
4 view the Attorney General's determination, the suit shall be
5 determined solely upon the administrative record upon which
6 the civil penalty was assessed and the Attorney General's
7 findings of fact, if supported by substantial evidence on the
8 record considered as a whole, shall be conclusive.

9 “(c) Any employer or person who has been assessed a
10 civil penalty under subsection (b) (3) which has become
11 final and thereafter violates subsection (b) (1) shall be
12 guilty of a misdemeanor and upon conviction thereof shall
13 be punished by a fine not exceeding \$1,000, or by imprison-
14 ment not exceeding one year, or both, for each alien in re-
15 spect to whom any violation of this subsection occurs.

16 “(d) The district courts of the United States shall have
17 jurisdiction to enjoin violations of subsection (b) (1). Such
18 actions may be brought by the Attorney General in any
19 United States district court for a district wherein any act,
20 omission, or transaction constituting the violation occurred,
21 or any such court for the district wherein the defendant is
22 found or transacts business.”.

23 SEC. 3. Whenever the Attorney General has reasonable
24 cause to believe that an employer or agent of the employer
25 has failed or refused to hire or has discharged any individual,

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1 or that any person has failed or refused to refer any indi-
2 vidual for a fee for ~~employment~~ *employment*, because of such
3 individual's national origin, the Attorney General may bring
4 a civil action in the appropriate district court of the United
5 States requesting such relief, including an action for a perma-
6 nent or temporary injunction, restraining order or other
7 order, as he deems necessary. The authority provided to the
8 Attorney General under this section is in addition to any
9 powers granted to the Equal Employment Opportunity
10 Commission in section 706 of the Civil Rights Act of 1964
11 (42 U.S.C. 2000e-5).

12 SEC. 4. (a) Notwithstanding any other provision of
13 law, an alien who has been continuously physically present
14 in the United States (except Puerto Rico, Guam, and the
15 Virgin Islands of the United States) since June 30, 1968, in
16 an unlawful status and who on June 30, 1975, is the spouse,
17 parent, son, daughter, brother, or sister of a citizen of the
18 United States, and the spouse or child of such alien; or who
19 on June 30, 1975, is the spouse or unmarried son or daughter
20 of an alien who has been lawfully admitted to the United
21 States for permanent residence; or whose departure from
22 the United States, in the opinion of the Attorney General,
23 would result in unusual hardship, may have his status ad-
24 justed to that of an alien lawfully admitted for permanent

1 residence by the Attorney General, under such regulations
2 as he may prescribe, if the alien—

3 (1) makes application therefor within one year
4 after the effective date of this Act; and

5 (2) is found to be admissible as an immigrant un-
6 der the provisions of the Immigration and Nationality
7 Act, except for paragraphs (14) and (20) of section
8 212 (a) of that Act.

9 (b) The provisions of this section shall not apply to any
10 alien who ordered or participated in the persecution of any
11 person because of race, religion, national origin, or political
12 opinion.

13 (c) Upon the approval of an application for adjustment
14 made under subsection (a), the Attorney General shall re-
15 cord the alien's lawful admission for permanent residence
16 as of the date of the Attorney General's approval of the
17 application.

18 (d) For the purpose of this section the provisions of
19 sections 101 and 246 of the Immigration and Nationality
20 Act shall apply.

21 (e) *Upon the filing of an application for adjustment*
22 *made under subsection (a), the Attorney General shall au-*
23 *thorize the employment of such applicant pending final action*
24 *on the application.*

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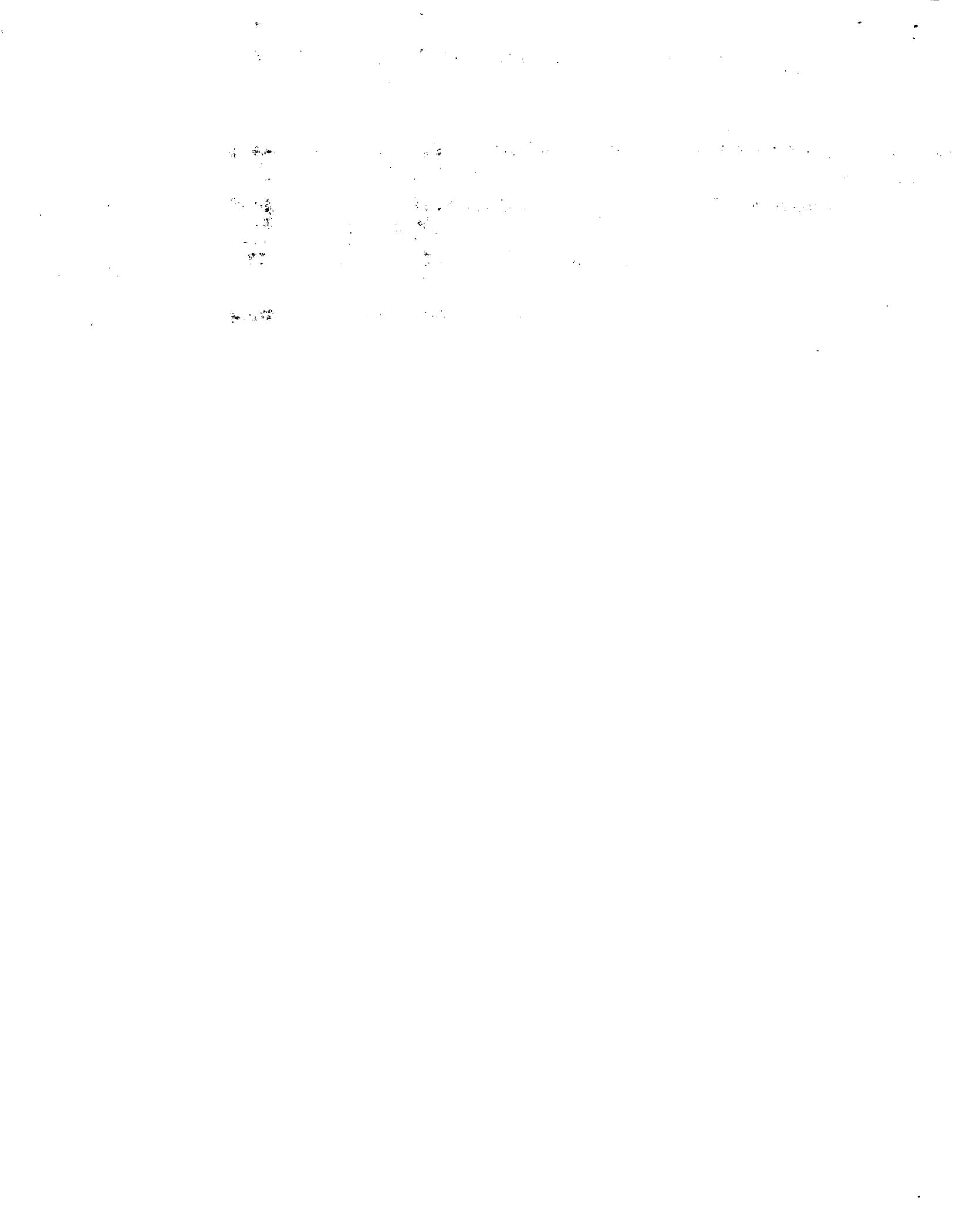
1 SEC. 5. The Immigration and Nationality Act is amended
2 by inserting immediately after section 274 the following new
3 section:

4 "DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING
5 ASSISTANCE UNDER THE SOCIAL SECURITY ACT

6 "SEC. 274A. Any officer or employee of the Department
7 of Health, Education, and Welfare shall disclose to the Serv-
8 ice the name and most recent address of any alien who such
9 officer or employee knows is not lawfully in the United States
10 and who is receiving assistance under any State plan under
11 title I, X, XIV, XVI, XIX, or part A of title IV of the
12 Social Security Act."

13 SEC. 5. Section 290 of the Immigration and Nationality
14 Act is amended by inserting a new subsection (e) to read
15 as follows:

16 "(e) The Secretary of Health, Education, and Wel-
17 fare shall disclose to the Attorney General the name and
18 most recent address of record of any alien who has not
19 been lawfully admitted for permanent residence or who is
20 not lawfully residing in the United States under section 203
21 (a)(7) or 212(d)(5) of the Immigration and Nationality
22 Act and who is receiving assistance under the provisions of
23 titles XVI (or titles I, X, XIV, and XVI as in effect for
24 Guam, Puerto Rico, and the Virgin Islands of the United



1 *States), XIX, or part A, of title IV of the Social Security*
2 *Act."*

3 SEC. 6. The first paragraph of section 1546 of title 18
4 of the United States Code is amended to read as follows:

5 "Whoever knowingly forges, counterfeits, alters, or
6 falsely makes any immigrant or nonimmigrant visa, permit,
7 border crossing card, alien registration receipt card, or other
8 document prescribed by statute or regulation for entry into
9 or as evidence of authorized stay in the United States; or
10 utters, uses, attempts to use, possesses, obtains, accepts, or
11 receives any such visa, permit, border crossing card, alien
12 registration receipt card, or other document prescribed by
13 statute or regulation for entry into or as evidence of author-
14 ized stay in the United States, knowing it to be forged, coun-
15 terfeited, altered, or falsely made, or to have been procured
16 by means of any false claim or statement, or to have been
17 otherwise procured by fraud or unlawfully obtained; or".

18 SEC. 7. Nothing contained in this Act, unless otherwise
19 specifically provided therein, shall be construed to affect the
20 validity of any document or proceeding which shall be valid
21 at the time this Act shall take effect, or to affect any prose-
22 cution, suit, action, or proceeding, civil or criminal, done or
23 existing, at the time this Act shall take effect; but as to all
24 such prosecutions, suits, actions, proceedings, statutes, con-

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1 ditions, rights, acts, things, liabilities, obligations, or matters,
2 the statutes or parts of statutes repealed by this Act are,
3 unless otherwise specifically provided therein, hereby con-
4 tinued in force and effect.

5 SEC. 8. This Act shall become effective on the first day
6 of the first month after the expiration of ninety days follow-
7 ing the date of its enactment.

8 SEC. 9. No appropriation shall be made to the Depart-
9 ment of Justice to carry out any functions under the Immi-
10 gration and Nationality Act for any fiscal year beginning
11 after September 30, 1976, unless such appropriation is spe-
12 cifically authorized by an Act of Congress which is approved
13 after the date of enactment of this Act.

14 SEC. 10. Section 241(a)(8) of the Immigration and
15 Nationality Act is amended to read as follows:

16 " (8) in the opinion of the Attorney General, has
17 within five years after entry become a public charge from
18 causes not affirmatively shown to have arisen after entry,
19 regardless of whether such person is legally liable to
20 repay any public support received, or whether any
21 demand has been made for any such repayment;".

IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 18), 1976

Mr. Moss introduced the following bill; which was read twice and referred to the Committees on Banking, Housing and Urban Affairs, Aeronautical and Space Sciences, Agriculture and Forestry, Armed Services, Commerce, Foreign Relations, Government Operations, Interior and Insular Affairs, the Judiciary, Labor and Public Welfare, and Public Works jointly by unanimous consent

A BILL

To establish a materials policy for the United States, to create a materials research and development capability, and to provide an organizational structure for the effective application of such research capability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "National Materials Policy,
4 Research, and Organization Act of 1976".

5 **TITLE I—NATIONAL MATERIALS POLICY**

6 **FINDINGS**

7 **SEC. 101. (a)** The Congress finds and declares that—

8 (1) requirements for materials necessary for United
9 States industries to manufacture products to meet con-

94TH CONGRESS
2D SESSION

S. 3074

IN THE SENATE OF THE UNITED STATES

MARCH 4, 1976

Mr. EASTLAND introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Immigration and Nation-
4 ality Act Amendments of 1976".

5 SEC. 2. Section 101 (a) (15) (H) (ii) of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1101 (a) (15) (H) (ii))
7 is amended to read as follows:

8 “(ii) who is coming temporarily to the United
9 States for a period not in excess of one year to per-
10 form other services or labor if the Secretary of Labor
11 under regulations issued after notice and hearing

1 pursuant to section 553 of title 5, United States
2 Code, has determined and certified to the Attorney
3 General that sufficient domestic workers who are
4 able, willing, and qualified are not available at the
5 time and place needed to perform the work for
6 which such workers are to be employed and the
7 employment of such aliens will not adversely affect
8 the wages and working conditions of workers simi-
9 larly employed: *Provided*, That within sixty calen-
10 dar days of the date on which an employer files
11 a request for such certification the Secretary of
12 Labor shall (1) refer to the employer workers in
13 the number desired, able, qualified, and willing to
14 present themselves to commence employment on the
15 date and for the period specified, or (2) make and
16 issue a certification as provided in this subpara-
17 graph, except that the period of time shall be
18 twenty calendar days in the case of a request for
19 workers to be employed in agriculture, as defined in
20 section 3 (f) of the Fair Labor Standards Act of
21 1938 (29 U.S.C. 203 (f)), or to perform agricul-
22 tural labor, as defined in section 3121 (g) of the
23 Internal Revenue Code of 1954 (26 U.S.C. 3121
24 (g)): *Provided further*, That an employer who
25 questions the qualifications of a worker referred to

1 him by the Secretary of Labor shall be entitled to
2 prompt review by the Secretary; such review shall
3 consider written opinions and other evidence sub-
4 mitted by the employer. The Attorney General may,
5 upon receipt of a determination and certification by
6 the Secretary of Labor as provided herein, extend
7 the terms of an alien's admission for a period or
8 periods not exceeding one year in the aggregate.”.

9 SEC. 3. Section 101 (a) (27) (A) of the Immigration
10 and Nationality Act (8 U.S.C. 1101 (a) (27) (A)) is
11 amended to read as follows:

12 “(A) an immigrant who is the spouse or child
13 of a citizen of the United States or is the parent
14 of a citizen of the United States at least twenty-one
15 years of age.”.

16 SEC. 4. Section 201 of the Immigration and Nationality
17 Act (8 U.S.C. 1151) is amended to read as follows:

18 “(a) Exclusive of special immigrants defined in section
19 101 (a) (27), the number of aliens chargeable (as provided
20 in section 202 (b)) to foreign states or dependent areas
21 located in the Eastern Hemisphere who may be issued im-
22 migrant visas or who may have their status adjusted to that
23 of an alien lawfully admitted for permanent residence pur-
24 suant to section 245, or who may, pursuant to section 203
25 (a) (7) enter conditionally, shall not in any of the first

1 three-quarters of any fiscal year exceed a total of forty-five
2 thousand and shall not in any fiscal year exceed a total of
3 one hundred and seventy thousand.

4 “(b) Exclusive of special immigrants defined in section
5 1017 (a) (27), the number of aliens chargeable (as pro-
6 vided in section 202 (b)) to foreign states and dependent
7 areas located in the Western Hemisphere and to the Canal
8 Zone who may be issued immigrant visas or who may have
9 their status adjusted to that of an alien lawfully admitted for
10 permanent residence pursuant to section 245 or who may,
11 pursuant to section 203 (a) (7), enter conditionally shall
12 not in any of the first three-quarters of any fiscal year ex-
13 ceed a total of thirty-two thousand shall not in any fiscal
14 year exceed a total of one hundred and twenty thousand.”.

15 SEC. 5. Section 202 of the Immigration and Nationality
16 Act (8 U.S.C. 1152) is amended to read as follows:

17 “(a) No person shall receive any preference or priority
18 in the issuance of an immigrant visa or adjustment of status
19 pursuant to section 245 except as specifically provided in
20 sections 101 (a) (27) and 203: *Provided*, That, exclusive
21 of special immigrant visas, the total number of immigrant
22 visas, adjustments of status pursuant to section 245, and
23 conditional entries made available to (1) aliens chargeable
24 to any single foreign state shall not exceed twenty thousand

1 in any fiscal year, and (2) aliens chargeable to any single
2 dependent area shall not exceed six hundred in any fiscal
3 year.

4 " (b) Each independent country, self-governing domin-
5 ion, mandated territory, and territory under the international
6 trusteeship system of the United Nations, other than the
7 United States and its outlying possessions, shall be treated
8 as a separate foreign state for the purposes of the numerical
9 limitations set forth in the proviso to subsection (a) of this
10 section when approved by the Secretary of State. Each col-
11 ony or other component or dependent area of a foreign state
12 overseas from such foreign state shall be treated as a depend-
13 ent area for the purposes of such numerical limitations. All
14 other inhabited lands shall be attributed to a foreign state
15 specified by the Secretary of State. For the purposes of this
16 Act the foreign state or dependent area to which an immi-
17 grant is chargeable shall be determined by birth within such
18 foreign state or dependent area except that (1) an alien child,
19 when accompanied by or following to join his alien parent
20 or parents, may be charged to the foreign state or dependent
21 area of either parent if such parent has received or would be
22 qualified for an immigrant visa, if necessary to prevent the
23 separation of the child from the parent or parents, and if im-
24 migration charged to the foreign state or dependent area to

1 of foreign states, the Secretary of State shall, upon recogni-
2 tion of such change, issue appropriate instructions to all dip-
3 lomatic and consular offices.”

4 SEC. 6. Section 203 of the Immigration and Nationality
5 Act (8 U.S.C. 1153) is amended by—

6 (a) amending the first sentence in subsection (a)
7 to read:

8 “(a) Immigrant visa numbers authorized to be made
9 available in any fiscal year within the numerical limitations
10 specified in section 201 shall be made available to aliens
11 chargeable to such limitation as follows:”

12 (b) amending paragraph (5) of subsection (a) by
13 substituting a comma for the period at the end of the
14 paragraph and adding: “such citizens being at least
15 twenty-one years of age.”

16 SEC. 7. Section 211 of the Immigration and Nationality
17 Act (8 U.S.C. 1181) is amended by:

18 (a) amending subsection (a) to read as follows:
19 “(a) Except as provided in subsection (b) or (c) no
20 immigrant shall be admitted into the United States unless
21 at the time of application for admission he (1) has a valid
22 unexpired immigrant visa or was born subsequent to the is-
23 suance of such visa of the accompanying parent, and (2)
24 presents a valid unexpired passport or other suitable travel

1 which such parent has been or would be chargeable has not
2 reached the numerical limitation set forth in the proviso to
3 subsection (a) of this section for that fiscal year; (2) if an
4 alien is chargeable to a different foreign state or dependent
5 area from that of his spouse, the foreign state or dependent
6 area to which such alien is chargeable may, if necessary to
7 prevent the separation of husband and wife, be determined
8 by the foreign state or dependent area of the spouse he is
9 accompanying or following to join, if such spouse has re-
10 ceived or would be qualified for an immigrant visa and if
11 immigration charged to the foreign state or dependent area
12 to which such spouse has been or would be chargeable has
13 not reached the numerical limitation set forth in the proviso
14 to subsection (a) of this section for that fiscal year; (3) an
15 alien born in the United States shall be considered as having
16 been born in the country of which he is a citizen or subject,
17 or, if he is not a citizen or subject of any country, in the last
18 foreign country in which he had his residence as determined
19 by the consular officer; (4) an alien born within any foreign
20 state or dependent area in which neither of his parents was
21 born and in which neither of his parents had a residence at
22 the time of such alien's birth may be charged to the foreign
23 state or dependent area of either parent.

24 " (c) In the case of any change in the territorial limits

1 document, or document of identity and nationality, if such
2 document is required under the regulations issued by the At-
3 torney General.”.

4 (b) adding new subsection (c) to read as follows:

5 “(c) The Attorney General may in his discretion, ad-
6 mit to the United States any immigrant inadmissible solely
7 because he was not entitled to the visa classification exempt-
8 ing him from the numerical limitation on visa issuance or
9 the preference classification specified in the immigrant visa
10 presented at the time of application for admission, or because
11 he was not charged to the proper foreign state or dependent
12 area specified in such visa, if the Attorney General is sat-
13 isfied that such inadmissibility was not known to and could
14 not have been ascertained by the exercise of reasonable dili-
15 gence by such immigrant prior to the departure of the vessel
16 or aircraft from the last port outside the United States and
17 outside foreign contiguous territory, or in the case of an
18 immigrant coming from foreign contiguous territory prior
19 to the application of the immigrant for admission. The ground
20 of inadmissibility specified in section 212 (a) (14) shall not
21 be applicable to any alien whose case is within the provisions
22 of this subsection.”.

23 SEC. 8. The second sentence of section 212 (a) (14) of
24 the Immigration and Nationality Act (8 U.S.C. 1182 (a)

1 (14)) is amended to read as follows: "The exclusion of
2 aliens under this paragraph shall apply to preference immi-
3 grant aliens described in section 203 (a) (3) and (6), and
4 to nonpreference immigrant aliens described in section 203
5 (a) (8);".

6 SEC. 9. Section 241 (a) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1251 (a)) is amended in respect to
8 paragraphs (3) and (8) to read as follows:

9 " (3) hereafter, within five years after entry, be-
10 comes institutionalized at public expense because of
11 mental disease, defect, or deficiency, regardless of
12 whether the alien is legally liable to repay the expense
13 incurred or whether any demand for payment has been
14 made, unless he can show that such disease, defect, or
15 deficiency did not exist prior to his admission to the
16 United States.

17 " (8) in the opinion of the Attorney General, has
18 within five years after entry become a public charge
19 from causes not affirmatively shown to have arisen after
20 entry, regardless of whether such person is legally liable
21 to repay any public support received or whether any
22 demand has been made for repayment;".

23 SEC. 10. Section 245 of the Immigration and Nation-
24 ality Act (8 U.S.C. 1255) is amended to read as follows:

1 “SEC. 245. (a) The status of an alien who was in-
2 pected and admitted or paroled into the United States may
3 be adjusted by the Attorney General, in his discretion and
4 under such regulations as he may prescribe, to that of an
5 alien lawfully admitted for permanent residence if (1) the
6 alien makes an application for such adjustment, (2) the
7 alien is eligible to receive an immigrant visa and is admissible
8 to the United States for permanent residence, and (3) an
9 immigrant visa is immediately available to him at the time
10 his application is filed.

11 “(b) Upon the approval of an application for adjust-
12 ment made under subsection (a), the Attorney General shall
13 record the alien’s lawful admission for permanent residence
14 as of the date the application was filed, and the Secretary
15 of State shall reduce by one the number of the preference
16 or nonpreference visas authorized to be issued under section
17 203 (a) within the class to which the alien is chargeable.

18 “(c) The provisions of this section shall not be appli-
19 cable to: (1) an alien admitted in transit without visa under
20 section 212 (d) (4) (C), or (2) an alien (other than a
21 special immigrant as defined in section 101 (a) (27) (A))
22 who on and after the effective date of this Act and prior to
23 filing an application for adjustment of status accepts employ-
24 ment which has not been authorized by the Attorney
25 General.”.

1 SEC. 11. (a) Section 249 of the Immigration and Na-
2 tionality Act (8 U.S.C. 1259) is amended by striking out
3 "June 30, 1948" in clause (a) of such section and inserting
4 in lieu thereof "July 1, 1968".

5 (b) The title preceding section 249 of such Act is
6 amended to read as follows: "RECORD OF ADMISSION FOR
7 PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS
8 WHO ENTERED THE UNITED STATES PRIOR TO JULY 1,
9 1924, OR JULY 1, 1968".

10 (c) The designation of section 249 in the table of con-
11 tents (Title II—Immigration, chapter 5) of such Act is
12 amended to read as follows:

 "Sec. 249. Record of admission for permanent residence of certain aliens
 who entered the United States prior to July 1, 1924, or
 July 1, 1968."

13 SEC. 12. Section 274 of the Immigration and National-
14 ity Act (8 U.S.C. 1324) is amended by deleting the pro-
15 viso in paragraph 4 of subsection (a) and by redesignating
16 subsection (b) as subsection (e) and adding new subsections
17 (b), (c), and (d) to read as follows:

18 " (b) (1) It shall be unlawful for any employer or any
19 person acting as an agent for an employer, or any person
20 who for a fee refers an alien for employment, or any officer,
21 agent, or representative of a labor organization who refers
22 an alien for employment, knowingly to employ, continue to
23 employ, or refer for employment any alien in the United

1 States not lawfully admitted for permanent residence, unless
2 the employment of such alien is authorized by the Attorney
3 General: *Provided*, That an employer, agent, or referrer
4 shall not be deemed to have violated this subsection if he
5 has made a bona fide inquiry whether a person hereafter em-
6 ployed or referred by him is a citizen or an alien, and if an
7 alien, whether he is lawfully admitted to the United States
8 for permanent residence or is authorized by the Attorney
9 General to accept employment: *Provided further*, That evi-
10 dence establishing that the employer, agent, or referrer has
11 obtained from the person employed or referred by him a
12 signed statement in writing in conformity with regulations
13 which shall be prescribed by the Attorney General that such
14 person is a citizen of the United States or that such person
15 is an alien lawfully admitted for permanent residence or is
16 an alien authorized by the Attorney General to accept em-
17 ployment, shall be deemed prima facie proof that such em-
18 ployer, agent, or referrer has made a bona fide inquiry as
19 provided in this paragraph. The Attorney General of the
20 United States shall prepare forms for the use of employers,
21 agents, and referrers in obtaining such written statements
22 and shall furnish such forms to employers, agents, and re-
23 ferrers upon request.

24 “(2) If the Attorney General finds that any employer,
25 agent, or referrer has on and after the effective date of this

1 Act violated the provisions of paragraph (1), the Attorney
2 General shall assess a penalty of not more than \$500 for
3 each alien in respect to whom such violation is found to
4 have occurred.

5 “(3) A civil penalty shall be assessed by the Attorney
6 General only after the person charged with a violation under
7 paragraph (2) has been given an opportunity for a hearing
8 and the Attorney General has determined that a violation
9 did occur, and the amount of the penalty which is warranted.
10 The hearing shall be of record and conducted before an
11 immigration officer designated by the Attorney General,
12 individually or by regulation, and the proceedings shall be
13 conducted in accordance with the requirements of title 5,
14 section 554, of the United States Code.

15 “(4) If the person against whom a civil penalty is
16 assessed fails to pay the penalty within the time prescribed
17 in such order, the Attorney General shall file a suit to collect
18 the amount in any appropriate district court of the United
19 States. In any such suit or in any other suit seeking to review
20 the Attorney General's determination, the suit shall be
21 determined solely upon the administrative record upon which
22 the civil penalty was assessed and the Attorney General's
23 findings of fact, if supported by substantial evidence on the
24 record considered as a whole, shall be conclusive.

25 “(c) If an employer or person who has been assessed a

1 civil penalty under subsection (b) (2) at any time there-
2 after violates subsection (b) (1) the Attorney General shall
3 assess a civil penalty of not less than \$500 or more than
4 \$1,000 for each alien in respect to whom such further viola-
5 tions are found to have occurred. The provisions of subsec-
6 tions (b) (3) and (b) (4) shall be applicable to violations
7 under this subsection, except that no proceedings shall be
8 commenced until the penalty assessed under subsection (b)
9 (2) has become final.

10 " (d) The district courts of the United States shall have
11 jurisdiction to enjoin violations of subsection (b) (1). Such
12 actions may be brought by the Attorney General in any
13 United States district court for a district wherein any act,
14 omission, or transaction constituting the violation occurred,
15 or any such court for a district wherein a defendant is found
16 or transacts business."

17 SEC. 13. Section 290 of the Immigration and National-
18 ity Act (8 U.S.C. 1360) is amended by inserting a new
19 subsection (e) to read as follows:

20 " (e) The Secretary of Health, Education, and Wel-
21 fare shall disclose to the Attorney General the name and
22 most recent address of record of any alien who has not been
23 lawfully admitted for permanent residence or who is not
24 lawfully present in the United States under section 203 (a)
25 (7) or 212 (d) (5) of the Immigration and Nationality

1 Act, and who is receiving assistance under the provisions of
2 titles XVI (or titles I, X, XIV, and XVI as in effect for
3 Guam, Puerto Rico, and the Virgin Islands of the United
4 States), title XIX, or part A of title IV of the Social
5 Security Act.”.

6 SEC. 14. (a) Section 212 (a) (24) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1182 (a) (24)) is
8 amended by changing the language within the parentheses
9 to read: “(other than natives of the Western Hemisphere
10 and aliens described in section 101 (a) (27) (B))”.

11 (b) Section 221 (a) (8 U.S.C. 1201 (a)) is amended
12 by deleting therefrom the phrase “immediate relative,”.

13 (c) Section 222 (a) (8 U.S.C. 1202 (a)) is amended
14 by deleting from the second sentence thereof the phrase “an
15 immediate relative within the meaning of section 201 (b)
16 or”.

17 (d) (1) Section 224 (8 U.S.C. 1204) is amended by
18 deleting therefrom the phrase “immediate relative”, where
19 appearing.

20 (2) The title immediately preceding section 224 is
21 amended to read: “SPECIAL IMMIGRANT VISAS”.

22 (3) The table of contents (Title II—Immigration, chap-
23 ter 3) of the Immigration and Nationality Act is amended
24 by changing the designation of section 224 to read:

“Sec. 224. Special immigrant visas.”

1 (c) Section 241 (a) (10) (8 U.S.C. 1251 (a) (10)) is
2 amended by changing the language within parentheses to
3 read: "(other than an alien who is a native of the Western
4 Hemisphere or an alien described in section 101 (a) (27)
5 (B) ;".

6 (f) Section 244 (d) (8 U.S.C. 1254 (d)) is amended
7 by deleting therefrom the phrase "or is an immediate relative
8 within the meaning of section 201 (b)".

9 (g) Section 291 (8 U.S.C. 1361) is amended by delet-
10 ing therefrom the phrase "quota immigrant, or nonquota im-
11 migrant" and inserting in lieu thereof the phrase "special
12 immigrant, or preference or nonpreference immigrant".

13 SEC. 15. Section 312 of the Immigration and Nation-
14 ality Act (8 U.S.C. 1428) is amended by deleting the lan-
15 guage in paragraph (1) which reads "who, on the effective
16 date of this Act, is over fifty years of age" and substituting
17 therefor language which reads "who, on the effective date of
18 the Immigration and Nationality Act Amendments of 1976,
19 is over sixty years of age".

20 SEC. 16. Section 344 (c) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1455 (c)) is amended by deleting
22 "\$6,000", wherever appearing, and substituting therefor
23 "\$20,000".

24 SEC. 17. The Act entitled "An Act to adjust the status
25 of Cuban refugees to that of lawful permanent residents of

1 the United States", approved November 2, 1966 (Public
2 Law 89-732) (8 U.S.C. 1255, note), is amended by adding
3 at the end thereof the following new sections:

4 "SEC. 5. The approval of an application for adjustment
5 of status to that of lawful permanent resident of the United
6 States pursuant to the provisions of section 1 of this Act shall
7 not require the Secretary of State to reduce the number of
8 visas authorized to be issued in any class in the case of any
9 alien who is physically present in the United States as of
10 the effective date of the Immigration and Nationality Act
11 Amendments of 1976.

12 "SEC. 6. Section 1 of this Act shall not apply to an alien
13 who has been inspected and admitted or paroled into the
14 United States on and after the effective date of the Immigra-
15 tion and Nationality Act Amendments of 1976."

16 SEC. 18. The first paragraph of section 1546 of title 18
17 of the United States Code is amended to read as follows:

18 "Whoever knowingly forges, counterfeits, alters, or
19 falsely makes any immigrant or nonimmigrant visa, permit,
20 border crossing card, alien registration receipt card, or other
21 document prescribed by statute or regulation for entry into
22 or as evidence of authorized stay in the United States, or
23 utters, uses, attempts to use, possesses, obtains, accepts, or
24 receives any such visa, permit, border crossing card, alien
25 registration receipt card, or other document prescribed by

1 statute or regulation for entry into or as evidence of author-
2 ized stay in the United States, knowing it to be forged, coun-
3 terfeited, altered, or falsely made, or to have been procured
4 by means of any false claim or statement, or to have been
5 otherwise procured by fraud or unlawfully obtained; or”.

6 SEC. 19. Section 21 (e) of the Act of October 3, 1965
7 (75 Stat. 921), is repealed.

8 SEC. 20. (a) Nothing contained in this Act, unless
9 otherwise specifically provided herein, shall be construed
10 to affect the validity of any document or proceeding which
11 shall be valid at the time this Act shall take effect, or to
12 affect any prosecution, suit, action, or proceeding, civil or
13 criminal, done or existing, at the time this Act shall take
14 effect; but as to all such prosecutions, suits, actions, pro-
15 ceedings, statutes, conditions, rights, acts, things, liabilities,
16 obligations, or matters, the statutes or parts of statutes
17 repealed by this Act are, unless otherwise specifically pro-
18 vided herein, hereby continued in force and effect.

19 (b) An alien chargeable to the numerical limitation
20 contained in section 21 (e) of the Act of October 3, 1965
21 (79 Stat. 921), who established a priority date at a consular
22 office on the basis of entitlement to immigrant status under
23 statutory or regulatory provisions in existence immediately
24 prior to the effective date of this Act shall be deemed to be
25 entitled to immigrant status under section 203 (a) (8) of

1 the Immigration and Nationality Act and shall be accorded
2 the priority date previously established by him. Nothing
3 in this section shall be construed to preclude acquisition by
4 such an alien of a preference status under section 203 (a)
5 of the Immigration and Nationality Act. Any petition filed
6 by, or in behalf of, such an alien to accord him a preference
7 status under section 203 (a) shall, upon approval, be deemed
8 to have been filed as of the priority date previously estab-
9 lished by such alien. The numerical limitation to which
10 such an alien shall be chargeable shall be determined as pro-
11 vided in sections 201 and 202 of the Immigration and
12 Nationality Act, as amended by this Act.

13 SEC. 21. This Act shall become effective on the first
14 day of the first month after expiration of ninety days fol-
15 lowing the date of its enactment.



94TH CONGRESS
2D SESSION

S. 2925

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1976

Mr. MUSKIE (for himself, Mr. ROTH, Mr. GLENN, Mr. BELLMON, Mr. HULL, Mr. HADDON, Mr. NUNN, and Mr. GOLDWATER) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for Government programs and activities at least every four years, to establish a procedure for zero-base review and evaluation of Government programs and activities every four years, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "Government Economy and
4 Spending Reform Act of 1976".

5 DEFINITIONS AND SPECIAL RULES

6 SEC. 2. (a) For purposes of this Act—

7 (1) The term "budget authority" has the meaning

[COMMITTEE PRINT]

MAY 3, 1976

94TH CONGRESS
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[Report No. 94-]

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Operations

MAY , 1976

Reported by Mr. -----, with amendments, and with an amendment
to the title

[Omit the part struck through or enclosed in black brackets and insert the part printed
in *italic*]

A BILL

To provide for the elimination of inactive and overlapping Fed-
eral programs, to require authorizations of new budget
authority for Government programs and activities at least
every four years, to establish a procedure for zero-base
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ties every ^{five} four years, and for other purposes.

*replaced by
and #*

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Government Economy and
- 4 Spending Reform Act of 1976".

5 DEFINITIONS AND SPECIAL RULES

6 SEC. 2. (a) For purposes of this Act—

1 (1) The term "budget authority" has the meaning
2 given to it by section 3(a)(2) of the Congressional
3 Budget Act of 1974.

4 (2) The term "permanent budget authority" means
5 budget authority provided for an indefinite period of time
6 or an unspecified number of fiscal years, but does not
7 include budget authority provided for a specified fiscal
8 year which is available for obligation or expenditure in
9 one or more succeeding fiscal years.

10 (3) The term "Comptroller General" means the
11 Comptroller General of the United States.

12 (b) For purposes of this Act, functional and subfunc-
13 tional categories are those set forth in the Budget of the
14 United States Government, Fiscal Year 1977, transmitted
15 to the Congress by the President on January 21, 1976.

16 (c) For purposes of this Act, the first review date
17 applicable to a program or activity is the termination date
18 applicable to such program or activity under section 101
19 (or in the case of a program or activity, which is included in
20 subfunctional category 551, 601, or 602 and which is funded
21 through a trust fund, the termination date which would apply
22 but for the exception provided by section 101(b)), and

1 each subsequent review date applicable to a program or
2 activity is the date ~~four~~ five years following the preceding
3 review date.

4 (d) For purposes of this Act, the Members of the Sen-
5 ate who are members of the Joint Committee on Atomic
6 Energy shall be treated as a standing committee of the
7 Senate, and the Members of the House of Representatives
8 who are members of the Joint Committee shall be treated
9 as a standing committee of the House.

10 TITLE I—AUTHORIZATIONS OF NEW BUDGET

11 AUTHORITY

12 TERMINATION DATE OF LAWS AUTHORIZING OR PROVIDING

13 NEW BUDGET AUTHORITY

14 SEC. 101. (a) All provisions of law in effect on the
15 effective date of this section which authorize the enactment
16 of new budget authority for a Government program or
17 activity or which provide new budget authority (including
18 permanent budget authority) for a Government program or
19 activity for a fiscal year beginning after the termination
20 date applicable to such program or activity under the fol-
21 lowing table shall terminate on such date and shall have no
22 force or effect after such date:

Programs and activities included within functional or subfunctional category

Termination date

050	National defense	
150	International Affairs	
250	General Sciences, Space, and Technology	
750	Law Enforcement and Justice	September 30, 1979.
350	Agriculture	
400	Commerce and Transportation	
450	Community and Regional Development	
501	Elementary, secondary, and vocational education	
502	Higher education	
503	Research and general education aids	
604	Public assistance and other income supplements (public housing only)	September 30, 1980.
300	National Resources, Environment, and Energy	
550	Health	
600	Income Security (except public housing in subcategory 604)	
700	Veterans Benefits and Services	September 30, 1981.
504	Training and employment	
505	Other labor services	
506	Social services	
800	General Government	
850	Revenue Sharing and General Purpose Fiscal Assistance	September 30, 1982.

050	National defense	
150	International affairs	
205	General sciences, space, and technology	
750	Law enforcement and justice	September 30, 1980.
350	Agriculture	
401	Mortgage credit and thrift insurance	
450	Community and regional development	
502	Higher education	
503	Research and general education aids	September 30, 1981.
300	Natural resources, environment, and energy	
404	Ground transportation	
405	Air transportation	
406	Water transportation	
407	Other transportation	
550	Health	
600	Income security (except public housing in subcategory 604)	September 30, 1982.
402	Postal service	
403	Other advancement and regulation of commerce	
501	Elementary, secondary, and vocational education	
504	Training and employment	
505	Other labor services	

1979

1980

1981

Put these 501-502 in same year



Programs and activities included
within functional or subfunc-
tional category—continued

Termination date

700	Veterans' benefits and services-----	September 30, 1983.	1982
506	Social services		
604	Public assistance and other income supple- ments (public housing only)		
800	General government		
850	Revenue sharing and general purpose fiscal assistance -----	September 30, 1984.	1983

1 (b) Subsection (a) shall not apply to programs and
 2 activities which are included within subfunctional category
 3 551 (Health care services), ^{medicare} 601 (General retirement and
 4 disability insurance), or 602 (Federal employee retirement
 5 and disability) and which are funded through trust funds.

*put medicare
back in
rotation cycle
with health*

6 (c) Subsection (a) shall not apply to new budget
 7 authority initially provided for a program or activity for a
 8 fiscal year beginning before the termination date applicable
 9 to such program or activity which is available for obligation
 10 or expenditure in a fiscal year beginning after such date.

11 BILLS AND RESOLUTIONS AUTHORIZING OR PROVIDING

12 NEW BUDGET AUTHORITY

13 SEC. 102. (a) On and after the effective date of this
 14 section, it shall not be in order in either the Senate or the
 15 House of Representatives to consider any bill or resolution
 16 (or amendment thereto) —

17 (1) which authorizes the enactment of new budget
 18 authority for a program or activity for a fiscal year be-
 19 ginning after the next review date applicable to such

1 program or activity, unless the report required under
2 section 311 on the zero-base review ~~and evaluation~~ of
3 such program or activity preceding such review date
4 has been submitted to the Senate or the House of Rep-
5 resentatives, as the case may be;

6 (2) which changes any program or activity which
7 is included within subfunctional category 551, 601, or
8 602 and which is funded through a trust fund, if such
9 change is to take effect after the next review date ap-
10 plicable to such program or activity, unless the report
11 required under section 311 on the zero-base review ~~and~~
12 ~~evaluation~~ of such program or activity preceding such
13 review date has been submitted to the Senate or the
14 House of Representatives, as the case may be; or

15 (3) which provides permanent budget authority for
16 a program or activity for which a termination date is
17 applicable under section 101, unless such bill, resolu-
18 tion, or amendment has been reported to the Senate
19 or the House of Representatives, as the case may be,
20 by the Committee on Appropriations of that House.

21 *(b) Nothing contained in this Act shall be construed to*
22 *require the enactment of authorizations of new budget au-*
23 *thority for a program or activity for a period of five fiscal*
24 *years. In any case in which it is determined necessary or*
25 *desirable to enact authorizations of new budget authority for*

1 *a program or activity on an annual basis, or for any period*
2 *of less than five fiscal years, such new budget authority may,*
3 *subject to the provisions of subsection (a)(1), be authorized*
4 *for the period so determined.*

5 IDENTIFICATION OF PROGRAMS AND ACTIVITIES BY
6 FUNCTIONAL OR SUBFUNCTIONAL CATEGORIES

7 SEC. 103. (a) On or before July 1, 1977, the Com-
8 mittees on Appropriations and the Committees on the
9 Budget of the Senate and the House of Representatives,
10 acting jointly, shall submit to their respective Houses a
11 report setting forth, with respect to each program or ac-
12 tivity—

13 (1) the functional or subfunctional category in
14 which such program or activity is included; and

15 (2) the committee or committees of that House
16 which have legislative jurisdiction over such program
17 or activity.

18 The information required by paragraphs (1) and (2) shall
19 be cross-indexed so as to provide information to the com-
20 mittees of the Senate and the House of Representatives as
21 to the termination dates and review dates of programs and
22 activities under their jurisdiction.

23 (b) At the request of the Committee on Appropria-
24 tions or the Committee on the Budget of the Senate or the
25 House of Representatives, the Comptroller General shall

1 furnish to such committee such assistance as it may request
2 in carrying out its functions under subsection (a).

3 **IDENTIFICATION OF PERMANENT AUTHORIZATIONS AND**
4 **PERMANENT BUDGET AUTHORITY**

5 **SEC. 104. (a)** On or before April 1, 1977, the Comp-
6 troller General shall submit to the Senate and the House
7 of Representatives a report setting forth each program of
8 activity—

9 (1) which is carried on under a provision of law
10 which permanently authorizes the enactment of new
11 budget authority for such program or activity (includ-
12 ing programs or activities for which permanent authori-
13 zations are implied); and

14 (2) which is carried on under a provision of law
15 which provides permanent budget authority for such
16 program or activity.

17 (b) The report submitted under subsection (a) shall
18 also set forth—

19 (1) the law or laws under which each such pro-
20 gram or activity is carried on;

21 (2) the committee or committees of the Senate and
22 the House of Representatives which have legislation jur-
23 isdiction over each such program or activity;

24 (3) in the case of programs and activities to which

1 paragraph (1) of subsection (a) applies, the annual
2 appropriation bill which provides new budget authority
3 for each such program or activity; and

4 (4) the amount of new budget authority provided
5 for each such program or activity for each of the last
6 four completed fiscal years ending before April 1, 1977.

7 The information required by this section shall be cross-
8 indexed so as to provide information to the committees of
9 the Senate and the House of Representatives with respect to
10 programs and activities under their jurisdiction which are
11 carried on under permanent authorizations or permanent
12 budget authority.

13 (c) On or before April 1, 1978, and each year there-
14 after, the Comptroller General shall submit to the Senate
15 and the House of Representatives a report setting forth the
16 amount of new budget authority provided for each of the
17 last four completed fiscal years for each program or activity
18 identified in the report submitted under subsection (a)
19 which, as of the date on which such report is submitted,
20 is carried on under a provision of law which permanently
21 authorizes the enactment of new budget authority for such
22 program or activity or which provides permanent budget
23 authority for such program or activity.

1 JURISDICTION OVER LEGISLATION CHANGING TERMINA-
 2 TION AND REVIEW DATES

3 SEC. 105. All proposed legislation, messages, petitions,
 4 memorials, and other matters relating to changes in the
 5 termination dates and review dates applicable to programs
 6 and activities under this Act shall be referred in the Senate
 7 to the Committee on the Budget of the Senate, and shall be
 8 referred in the House of Representatives to the Committee
 9 on the Budget of the House, and each such committee shall
 10 have jurisdiction to report to its House, by bill or otherwise,
 11 proposed changes in such dates.

12 EFFECTIVE DATE

13 SEC. 106. Sections 101 and 102 shall take effect on the
 14 first day of the first session of the Ninety-fifth Congress.

15 TITLE II—EARLY ELIMINATION OF INACTIVE
 16 AND DUPLICATE PROGRAMS

17 STUDY AND REPORT BY GENERAL ACCOUNTING OFFICE

18 SEC. 201. (a) The Comptroller General shall promptly
 19 conduct a study of all Government programs and activities
 20 for the purposes of identifying—

21 (1) those programs and activities for which no
 22 outlays have been made for the last two completed
 23 fiscal years; and

? eliminate section

1 standing committee on all reports transmitted to it on or
2 before March 15, 1978.

3 ~~TITLE III—QUADRENNIAL ZERO-BASE PROGRAM~~

4 REVIEW AND EVALUATION

5 PART 1—TIMETABLE; DEFINITION

6 TIMETABLE

7 ~~SEC. 301. The timetable for zero base review and evalua-~~
8 ~~tion of a Government program or activity the review date~~
9 ~~for which is on September 30 of a year is as follows:~~

- ~~On or before—~~
- ~~December 31 of preceding year. General Accounting Office reports results of prior audits and reviews and evaluations and reports other requested information and analyses to standing committees.~~
- ~~December 31 of preceding year. Congressional Budget Office reports requested information and analyses to standing committees.~~
- ~~15th day after Congress meets in the year. President submits budget accompanied by results of zero-base review and evaluation of the program or activity.~~
- ~~March 15 of the year. Standing committee completes zero-base review and evaluation of the program or activity and reports to its House.~~

out

10 SEC. 301. The timetable for zero-base review of a Gov-
11 ernment program or activity the review date for which is out
12 September 30 of a year is as follows:

- On or before—
- November 10 of preceding year ----- President submits report of executive branch zero-base review of the program or activity, together with his recommendations.
- November 10 of preceding year ----- General Accounting Office reports results of prior audits and reviews and reports other requested information and analyses to standing committees.
- November 10 of preceding year ----- Congressional Budget Office reports requested information and analyses to standing committees.
- March 15 of the year. Standing committee completes zero-base review of the program or activity and reports to its House.

✓

DEFINITION

1
2 **SEC. 302.** For purposes of this title, the term "zero-base
3 review and evaluation" means, with respect to any Govern-
4 ment program or activity, a comprehensive review and
5 evaluation to determine if the merits of the program or
6 activity supports its continuation rather than termination
7 and to reach findings as to what incremental amounts of new
8 budget authority for the program or activity should be
9 authorized to produce correspondingly larger levels of service
10 output.

11 *SEC. 302.* For purposes of this title, the term "zero-base
12 review" means, with respect to any Government program
13 or activity, a systematic and comprehensive evaluation to
14 determine if the merits of the program or activity support
15 its continuation rather than termination, or its continuation
16 at a level less than, equal to, or greater than the existing level.

17 PART 2—CONGRESSIONAL REVIEW AND EVALUATION
18 REVIEW AND EVALUATION BY STANDING COMMITTEES

19 **SEC. 311.** (a) (1) The standing committees of the
20 Senate and the House of Representatives shall conduct a
21 zero-base review and evaluation of all Government programs
22 and activities within their jurisdiction every ^{fifth} ~~fourth~~ year.
23 The zero-base review and evaluation of each program or
24 activity shall be conducted during the twelve-month period

1 ending on March 15 of the year in which occurs the review
2 data for such program or activity.

3 (b) Each zero-base review and evaluation of a program
4 or activity conducted under subsection (a) shall include
5 but not be limited to—

6 ~~(1) an identification of other Government pro-~~
7 ~~grams and activities having the same or similar objec-~~
8 ~~tives, along with a comparison of the cost and effective-~~
9 ~~ness of such programs or activities and any duplication~~
10 ~~of the program or activity under review;~~

11 ~~(2) an examination of the extent to which the ob-~~
12 ~~jectives of the program or activity have been achieved~~
13 ~~in comparison with the objectives initially set forth for~~
14 ~~the program or activity and an analysis of any signifi-~~
15 ~~cant variance between projected and actual performance;~~

16 ~~(3) a specification, to the extent feasible, in quanti-~~
17 ~~tative terms of the objectives of such program or activity~~
18 ~~during the next four fiscal years; and~~

19 ~~(4) an examination of the impact of such program~~
20 ~~or activity on the national economy.~~

21 (1) a statement of objectives of the program or
22 activity;

23 (2) an identification of alternative methods of de-
24 livery of the program or activity, other than the method
25 recommended, and an explanation for not
~~being used, and, if an alternative method is not recom-~~
~~recommending each such alternative.~~

~~1 mended, an evaluation of the reasons for not recom-~~
~~2 mending any of such alternative methods.~~

3 (3) an evaluation of the consequences of eliminating
 4 the program or activity, taking into consideration similar
 5 or duplicate programs or activities in other sectors of the
 6 economy, public or private, which could reduce the im-
 7 pact of elimination; and

8 (4) an identification and evaluation of service and
 9 performance at incremental cost levels as follows:

10 (A) The minimum level of effort, expressed in
 11 terms of service provided and cost, which shall be
 12 (i) the level of effort below which it is not feasible or
 13 realistic to carry on the program at all, or (ii) 75
 14 per centum of the prior year's outlays, whichever is
 15 lower in cost.

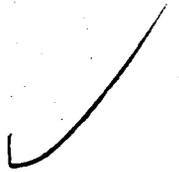
16 (B) The incremental service and outlay levels
 17 which can be provided between the minimum level and
 18 the prior year's outlay level.

19 (C) The incremental service and outlay levels
 20 above the prior year's outlay level.

21 Each level shall include a description and evaluation of
 22 services that would be provided by the incremental out-
 23 lays, and should include the service priorities and a
 24 measure of workload and performance.

25 (c) A report of the results of each zero-base review and

definition



1 ~~evaluation~~ of a program or activity conducted under sub-
2 section (a), and of the recommendations of the committee
3 with respect thereto, shall be submitted to the Senate or the
4 House of Representatives, as the case may be, on or before
5 March 15 of the year in which occurs the review date for
6 such program or activity. *Such report shall include the report*
7 *of the zero-base review of such program or activity conducted*
8 *under section 321, or the abbreviated summary accompanying*
9 *such report, and the recommendations of the President with*
10 *respect thereto.* Such report shall *also* include an identification
11 of other programs or activities having the same or similar
12 objectives and the recommendations of the committee with
13 respect to the elimination or consolidation of such other
14 programs or activities. Whenever a committee has identified
15 a comparable program or activity and recommends au-
16 thorization of new budget authority for the program or
17 activity under review ~~and evaluation~~ or the establishment
18 of a new comparable program or activity, the report shall
19 state with particularity the justification for the authorization
20 of new budget authority, or for the establishment of a new
21 comparable program, and explain the manner in which it
22 avoids duplication of other efforts.

1 **ASSISTANCE BY GENERAL ACCOUNTING OFFICE AND**
2 **CONGRESSIONAL BUDGET OFFICE**

3 **SEC. 312. (a) The Comptroller General shall furnish**
4 **to each standing committee of the Senate and the House of**
5 **Representatives the results of prior audits and reviews ~~and~~**
6 **~~evaluations~~ of each Government program or activity which**
7 **is the subject of a zero-base review being conducted by that**
8 **committee under section 311. At the request of any such**
9 **standing committee, the Comptroller General shall furnish**
10 **to such committee such information and analyses as it may**
11 **request to assist in its conduct of any such zero-base review**
12 **~~and evaluation~~. Assistance authorized by this subsection shall**
13 **be in addition to assistance authorized by section 204 of the**
14 **Legislative Reorganization Act of 1970.**

15 **(b) Consistent with the discharge by the Congressional**
16 **Budget Office of its duties and functions under the Congres-**
17 **sional Budget Act of 1974, the Director of the Congressional**
18 **Budget Office shall, at the request of any standing committee**
19 **of the Senate or the House of Representatives, furnish to**
20 **such committee such information and analyses as it may**
21 **request to assist in its conduct of a zero-base review ~~and~~**

1 evaluation of a Government program or activity under
2 section 311.

3 (c) Information required to be furnished to a standing
4 committee under subsection (a) and information or analyses
5 requested by a standing committee under subsection (a)
6 or (b) with respect to a program or activity shall be fur-
7 nished to such committee on or before ~~December 31~~ *Novem-*
8 *ber 10* of the year preceding the year in which occurs the
9 review date for such program or activity.

10 ~~PART 3—EXECUTIVE REVIEW AND EVALUATION~~

11 ~~REVIEW AND EVALUATION BY THE PRESIDENT~~

12 ~~SEC. 321. (a) Prior to transmitting the Budget for a~~
13 ~~fiscal year, the President shall conduct a zero-base review~~
14 ~~and evaluation of each Government program or activity the~~
15 ~~review date for which is September 30 preceding the begin-~~
16 ~~ning of such fiscal year. Each such review and evaluation~~
17 ~~shall include the matters described in section 311(b).~~

18 (b) Section 201 of the Budget and Accounting Act,
19 1921 (31 U.S.C. 11), is amended by adding at the end
20 thereof the following new subsections:

21 "(j) The Budget transmitted pursuant to subsection (a)
22 for each fiscal year shall include a report of the results of the
23 zero-base review and evaluation conducted under section
24 321(a) of the Government Economy and Spending Re-
25 form Act of 1976 of each Government program or activity

1 the review date for which is September 30 preceding the
 2 beginning of such fiscal year, together with the recommen-
 3 dations of the President with respect thereto.

4 ~~“(k)~~ Estimated expenditures and proposed appropri-
 5 ations under subsection (a) for any Government program or
 6 activity for a fiscal year shall be based on the most recent
 7 zero-base review and evaluation of such program or activity
 8 conducted under section 321(a) of the Government Econ-
 9 omy and Spending Reform Act of 1976.”

10 *PART 3—EXECUTIVE BRANCH REVIEW*
 11 *REVIEW BY EXECUTIVE DEPARTMENTS AND AGENCIES;*
 12 *RECOMMENDATIONS OF THE PRESIDENT*

13 *SEC. 321. (a) The departments and agencies of the*
 14 *executive branch shall conduct a zero-base review of all Gov-*
 15 *ernment programs and activities administered by them every*
 16 *fifth year. The zero-base review of each program shall be*
 17 *conducted during such period preceding the review date for*
 18 *such program or activity as the President prescribes.*

19 *(b) Each zero-base review of a program or activity*
 20 *conducted under subsection (a) shall include, but not be*
 21 *limited to, the matters described in section 311(b).*

22 *(c) The department or agency conducting a zero-base*
 23 *review of a program or activity under subsection (a) shall*
 24 *report the results thereof to the President at such time as he*
 25 *prescribes. Such report shall include ^{a review of} the regulations or rules*

1 issued to carry out or implement such program or activity and
2 the forms (including questionnaires) prescribed for use in
3 such program or activity, and shall be accompanied by an ab-
4 breviated summary of the report. On or before November 10
5 of the year preceding the year in which occurs the review date
6 for such program or activity, the President shall submit such
7 report and summary to the Senate and the House of Rep-
8 resentatives, together with his recommendations with respect
9 thereto. Such report, summary, and recommendations shall
10 be referred to the committees of the Senate and the House
11 which have jurisdiction over such program or activity.

|| ? X

12 **ZERO-BASE BUDGETING**

13 **SEC. 322.** On or before December 31, 1977, the Di-
14 rector of the Office of Management and Budget, in consulta-
15 tion with the Committees on Appropriations and the Budget
16 of the Senate and the House of Representatives, shall develop
17 a program for zero-base budgeting by all departments and
18 agencies of the executive branch, and shall submit to the
19 Senate and the House of Representatives a report describing
20 such program. Such program shall be based upon the prin-
21 ciples of zero-base review of programs and activities under
22 this Act.

✓

1 Representatives, and to the standing committees of the Sen-
2 ate and the House which have legislative jurisdiction over
3 any Government program or activity, a summary of each
4 audit conducted by the General Accounting Office involving
5 such program or activity.

6 INCLUSION OF PROGRAM INFORMATION IN PRESIDENT'S
7 BUDGET

8 SEC. 402. (a) Section 201 of the Budget and Account-
9 ing Act, 1921 (31 U.S.C. 11), is amended by adding after
10 subsection ~~(k)~~ (as added by section 321(b) of the Act)
11 at the end thereof the following new subsection:

12 "~~(k)~~(j) The Budget transmitted pursuant to subsection
13 (a) for each fiscal year shall include information, with respect
14 to each Government program or activity, on the specific ob-
15 jectives of such program or activity for such fiscal year, and
16 a comparison of the achievement of the objectives of such
17 program or activity for the last completed fiscal year with
18 the planned objectives of such program or activity for such
19 fiscal year."

20 (b) The amendment made by subsection (a) shall
21 apply with respect to the fiscal year beginning on October 1,
22 ~~1978~~ 1980, and succeeding fiscal years.

TITLE V—MISCELLANEOUS**EXERCISE OF RULEMAKING POWER**

1
2
3 **SEC. 501.** The provisions of this section and sections 101,
4 102, 103 (a), 105, 202, and 311 of this Act are enacted by
5 the Congress—

6 (1) as an exercise of the rulemaking power of the
7 Senate and the House of Representatives, respectively,
8 and as such they shall be considered as part of the rules
9 of each House, respectively, or of that House to which
10 they specifically apply, and such rules shall supersede
11 other rules only to the extent that they are inconsistent
12 therewith; and

13 (2) with full recognition of the constitutional right
14 of either House to change such rules (so far as relating
15 to such House) at any time, in the same manner, and to
16 the same extent as in the case of any other rule of such
17 House.

Amend the title so as to read: "A bill to provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for Government programs and activities at least every five years, to establish a procedure for zero-base review of Government programs and activities every five years, and for other purposes."

94TH CONGRESS
1ST SESSION

H. R. 2694

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1975

Mr. LEHMAN introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1954 to provide an exemption from income taxation for cooperative housing corporations and condominium housing associations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 501 (c) of the Internal Revenue Code of 1954
4 (relating to list of exempt organizations) is amended by
5 adding at the end thereof the following new paragraphs:

6 “(20) (A) Cooperative housing corporations (as
7 defined in section 216 (b) (1)).

8 “(B) Any organization formed for the purpose of
9 managing, operating, and maintaining the property

1 within a condominium housing project which is owned
 2 in common by the owners of units within such con-
 3 dominium housing projects, if—

4 “(i) membership in such organization is limited
 5 to the owners of units within such condominium
 6 housing project,

7 “(ii) no member of such organization is entitled
 8 (either conditionally or unconditionally) to receive
 9 any distribution from such organization except on a
 10 complete or partial liquidation of the organization;
 11 and

12 “(iii) 80 per centum or more of the gross in-
 13 come of such organization consists solely of amounts
 14 received from the owners of units within such con-
 15 dominium housing project.

16 “(C) For purposes of this paragraph, the term
 17 ‘condominium housing project’ means any condominium
 18 project substantially all the units to which are used by
 19 individuals as residences.”

20 SEC. 2. The amendment made by the first section of this
 21 Act shall apply to taxable years beginning after December
 22 31, 1974.

94TH CONGRESS
1ST SESSION

H. R. 2694

A BILL

To amend the Internal Revenue Code of 1954 to provide an exemption from income taxation for cooperative housing corporations and condominium housing associations.

By Mr. LEHMAN

FEBRUARY 4, 1975

Referred to the Committee on Ways and Means

H. R. 7243

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1975

Mr. LEHMAN (for himself, Mr. BADILLO, Mr. FASCELL, and Mr. HARRIS) introduced the following bill; which was referred to the Committee on Banking, Currency and Housing

A BILL

To amend the National Housing Act to prohibit Federal Housing Administration insurance of blanket mortgages on condominium projects, and Federal National Mortgage Association purchases of conventional condominium mortgages, where the developer retains or will retain a leasehold interest in the common areas and facilities of the project involved.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 234 (d) of the National Housing Act is
4 amended—

5 (1) by striking out “and” at the end of paragraph

6 (1) ;

7 (2) by redesignating paragraph (2) as para-
8 graph (3) ; and

1 (3) by inserting after paragraph (1) the follow-
2 ing new paragraph:

3 “(2) has certified to the Secretary, as a condition
4 of obtaining insurance of a blanket mortgage under this
5 subsection, that ownership of each family unit so sold
6 will include title to and ownership of an undivided
7 interest in the common areas and facilities which serve
8 the project as described in subsections (b) and (c), and
9 will not be subject to any leasehold interest (whether
10 reserved to the mortgagor or to any other person) in
11 such areas and facilities; and”.

12 SEC. 2. Section 302 (b) (2) of the National Hous-
13 ing Act is amended by inserting immediately after the first
14 sentence the following new sentence: “No such purchase of
15 a conventional mortgage which covers a one-family con-
16 dominium unit in a multi-family project of the type described
17 in section 234 shall be made if the developer (or any
18 affiliate thereof), the sponsor of the project, or any other
19 person has reserved the right (A) to lease to the owner of
20 such unit (or the owners of other units in the project)
21 any of the common areas and facilities which serve the
22 project, or (B) to accept leases from the owners of any
23 of such units under which such owners may then be charged
24 for the use of such areas and facilities.”.

94TH CONGRESS
1ST SESSION

H. R. 7243

A BILL

To amend the National Housing Act to prohibit Federal Housing Administration insurance of blanket mortgages on condominium projects, and Federal National Mortgage Association purchases of conventional condominium mortgages, where the developer retains or will retain a leasehold interest in the common areas and facilities of the project involved.

By Mr. LEHMAN, Mr. BADILLO, Mr. FASCELL,
and Mr. HARRIS

MAY 21, 1975

Referred to the Committee on Banking, Currency and
Housing

94TH CONGRESS
1ST SESSION

H. R. 7244

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1975

Mr. LEHMAN (for himself, Mr. BADILLO, Mr. FASCELL, Mr. HARRIS, Mr. PREYER, and Mr. SARBANES) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1954 to provide an exemption from income taxation for cooperative housing corporations and condominium housing associations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 501 (c) of the Internal Revenue Code of 1954
4 (relating to list of exempt organizations) is amended by
5 adding at the end thereof the following new paragraphs:

6 “(20) (A) Cooperative housing corporations (as
7 defined in section 216 (b) (1)).

8 “(B) Any organization formed for the purpose of
9 managing, operating, and maintaining the property

1 within a condominium housing project which is owned
2 in common by the owners of units within such con-
3 dominium housing projects, if—

4 “(i) membership in such organization is limited
5 to the owners of units within such condominium
6 housing project,

7 “(ii) no member of such organization is entitled
8 (either conditionally or unconditionally) to receive
9 any distribution from such organization except on a
10 complete or partial liquidation of the organization;
11 and

12 “(iii) 80 per centum or more of the gross in-
13 come of such organization consists solely of amounts
14 received from the owners of units within such con-
15 dominium housing project.

16 “(C) For purposes of this paragraph, the term
17 ‘condominium housing project’ means any condominium
18 project substantially all the units to which are used by
19 individuals as residences.”.

20 SEC. 2. The amendment made by the first section of this
21 Act shall apply to taxable years beginning after December
22 31, 1974.

94TH CONGRESS
1ST SESSION

H. R. 7244

A BILL

To amend the Internal Revenue Code of 1954 to provide an exemption from income taxation for cooperative housing corporations and condominium housing associations.

By Mr. LENNAN, Mr. BADILLO, Mr. FASCETTI,
Mr. HARRIS, Mr. PREYER, and Mr. SARVAANES

MAY 21, 1975

Referred to the Committee on Ways and Means

94TH CONGRESS
1ST SESSION

H. R. 7761

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1975

Mr. LEHMAN (for himself and Mr. FREY) introduced the following bill; which was referred to the Committee on Banking, Currency and Housing

A BILL

To amend the National Housing Act to prohibit Federal Housing Administration insurance of blanket mortgages on condominium projects, and Federal National Mortgage Association purchases of conventional condominium mortgages, where the developer retains or will retain a leasehold interest in the common areas and facilities of the project involved.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 234 (d) of the National Housing Act is
4 amended—

5 (1) by striking out “and” at the end of paragraph
6 (1);

7 (2) by redesignating paragraph (2) as para-
8 graph (3); and

1 (3) by inserting after paragraph (1) the follow-
2 ing new paragraph:

3 “(2) has certified to the Secretary, as a condition
4 of obtaining insurance of a blanket mortgage under this
5 subsection, that ownership of each family unit so sold
6 will include title to and ownership of an undivided
7 interest in the common areas and facilities which serve
8 the project as described in subsections (b) and (c), and
9 will not be subject to any leasehold interest (whether
10 reserved to the mortgagor or to any other person) in
11 such areas and facilities; and”.

12 SEC. 2. Section 302(b) (2) of the National Hous-
13 ing Act is amended by inserting immediately after the first
14 sentence the following new sentence: “No such purchase of
15 a conventional mortgage which covers a one-family con-
16 dominium unit in a multi-family project of the type described
17 in section 234 shall be made if the developer (or any
18 affiliate thereof), the sponsor of the project, or any other
19 person has reserved the right (A) to lease to the owner of
20 such unit (or the owners of other units in the project)
21 any of the common areas and facilities which serve the
22 project, or (B) to accept leases from the owners of any
23 of such units under which such owners may then be charged
24 for the use of such areas and facilities.”.

94TH CONGRESS
1ST SESSION

H. R. 7761

A BILL

To amend the National Housing Act to prohibit Federal Housing Administration insurance of blanket mortgages on condominium projects, and Federal National Mortgage Association purchases of conventional condominium mortgages, where the developer retains or will retain a leasehold interest in the common areas and facilities of the project involved.

By Mr. LEHMAN and Mr. FREY

JUNE 10, 1975

Referred to the Committee on Banking, Currency and
Housing



[COMMITTEE PRINT NO. 4]

MAY 20, 1976

Calendar No.

94TH CONGRESS
2D SESSION

S. 2925

[Report No. 94-]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1976

Mr. MUSKIE (for himself, Mr. ROTH, Mr. GLENN, Mr. BELLMON, Mr. RIBICOFF, Mr. ABOUREZK, Mr. ALLEN, Mr. BAKER, Mr. BAYH, Mr. BEALL, Mr. BENTSEN, Mr. BROCK, Mr. HARRY F. BYRD, JR., Mr. CANNON, Mr. CHILES, Mr. CULVER, Mr. CURTIS, Mr. DOMENICI, Mr. EAGLETON, Mr. EASTLAND, Mr. FANNIN, Mr. GARN, Mr. GOLDWATER, Mr. HANSEN, Mr. HASKELL, Mr. HATFIELD, Mr. HELMS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAXALT, Mr. LEAHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MONDALE, Mr. MOSS, Mr. NUNN, Mr. PERCY, Mr. PROXMIRE, Mr. HUGH SCOTT, Mr. STAFFORD, Mr. STEVENS, Mr. SYMINGTON, Mr. TUNNEY, and Mr. WEICKER) introduced the following bill; which was read twice and referred to the Committee on Government Operations

MAY , 1976

Reported by Mr. -----, with an amendment; and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for Government programs and activities at least every four years, to establish a procedure for zero-base review and evaluation of Government programs and activities every four years, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That this Act may be cited as the "Government Economy and~~
4 ~~Spending Reform Act of 1976".~~

5 ~~DEFINITIONS AND SPECIAL RULES~~

6 ~~SEC. 2. (a) For purposes of this Act~~

7 ~~(1) The term "budget authority" has the meaning~~

94TH CONGRESS
1ST SESSION

S. 2476

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 11), 1975

Mr. JAVITS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend titles IV, XI, and XIX of the Social Security Act to increase the Federal matching rate for purposes of reimbursement to States under the programs of aid to needy families with children and medical assistance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Uniform Federal Welfare
4 and Medicaid Assistance Act of 1975".

5 SEC. 2. (a) Section 403 (a) of the Social Security Act
6 is amended by striking out "October 1, 1958" in the matter
7 proceeding paragraph (1) and inserting in lieu thereof
8 "January 1, 1976".

9 (b) Section 403 (a) of such Act is amended by striking

1 out paragraphs (1) and (2) and inserting in lieu thereof
2 the following:

3 “(1) in the case of any State, an amount equal to
4 75 per centum of the total amounts expended during
5 such quarter as aid to families with dependent children
6 under the State plan (including expenditures for pre-
7 miums under part B of title XVIII for individuals who
8 are recipients of money payments under such plan and
9 other insurance premiums for medical or any other type
10 of remedial care or the cost thereof) ; and”

11 (c) Section 403 (a) of such Act is further amended by
12 striking “or (2)” in the sentence following paragraph (5).

13 (d) Section 408 (c) of such Act is amended by striking
14 out “clause (A) of”.

15 SEC. 3. (a) Section 1903 (a) of the Social Security
16 Act is amended by striking out “January 1, 1966” in the
17 matter preceding paragraph (1) and inserting in lieu thereof
18 “January 1, 1976”.

19 (b) Section 1903 (a) (1) of such Act is amended by
20 striking out “the Federal medical assistance percentage (as
21 defined in section 1905 (b), subject to subsections (g) and
22 (h) of this section)” and inserting in lieu thereof “75 per
23 centum”.

24 (c) Section 1903 (g) (1) of such Act is amended by
25 striking out “Federal medical assistance percentage” wher-

1 ever it appears and inserting in lieu thereof "percentage
2 specified in subsection (a) (1)".

3 SEC. 4. Section 1118 and 1905(b) of the Social
4 Security Act are repealed.

5 SEC. 5. The amendments made by this Act shall become
6 effective January 1, 1976.

A BILL

To amend titles IV, XI, and XIX of the Social Security Act to increase the Federal matching rate for purposes of reimbursement to States under the programs of aid to needy families with children and medical assistance.

By Mr. JAVITS

OCTOBER 6 (legislative day, SEPTEMBER 11), 1975
Read twice and referred to the Committee on Finance



94TH CONGRESS
2D SESSION

S. 713

[Report No. 94-754]

[Report No. 94-935]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 18, 1975

MR. METCALF (for himself, Mr. BARTLETT, Mr. FANNIN, Mr. HANSEN, Mr. JACKSON, Mr. JOHNSTON, and Mr. MOSS) introduced the following bill; which was read twice and, by unanimous consent, referred to the Committee on Interior and Insular Affairs if and when reported to be jointly referred to the Committees on Armed Services, Commerce, and Foreign Relations for thirty days

APRIL 14, 1976

Reported by Mr. METCALF, with amendments, and referred to the Committee on Armed Services, the Committee on Commerce, and the Committee on Foreign Relations, jointly, for thirty days

[Omit the part struck through and insert the part printed in italic]

MAY 3, 1976

By unanimous consent time for Committees on Armed Services, Commerce, and Foreign Relations to report extended through close of business June 2, 1976

JUNE 8 (legislative day, JUNE 3), 1976

Reported by Mr. MAGNUSON, without amendment

A BILL

To provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep seabed, pending adoption of an international regime therefor.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Deep Seabed Hard Min-
- 4 erals Act".

111TH CONGRESS
1ST SESSION

S. 561

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 1975

SEN. KENNEDY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

to provide for the adjustment of status of certain aliens under the Immigration and Nationality 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 "Immigration and Nationality Act Amendments of 1975".

SEC. 2. (a) Notwithstanding any other provisions of law, and without regard to the numerical limitations specified in the Immigration and Nationality Act (8 U.S.C. 1101), the status of any alien who on January 1, 1975, was in the United States in violation of law may be adjusted by the Attorney General, in his discretion and under such regula-

1 tions as he may prescribe, to that of an alien lawfully ad-
2 mitted for permanent residence if—

3 (1) the alien makes an application for such adjust-
4 ment; and

5 (2) the alien has resided continuously in the United
6 States for at least three years on the date of enactment
7 of this Act.

8 (b) The provisions of this section shall be applicable
9 to any alien described in subsection (a) of this section, who
10 is physically present in the United States on the date of
11 enactment of this Act and to the spouse and child of any such
12 alien who are present with such alien in the United States.

13 (c) Upon approval of an application for adjustment of
14 status under subsection (a) of this section, the Attorney
15 General shall record the alien's lawful admission for perma-
16 nent residence as of the date of the order of the Attorney
17 General approving the application for adjustment of status.

18 (d) Application for adjustment of status pursuant to
19 the provisions of subsection (a) of this section may be made
20 on or after the date of enactment of this Act, but not later
21 than the last day of the first fiscal year beginning on or after
22 the date of enactment of this Act.

23 (e) Except as otherwise provided in this section, the
24 definitions contained in section 101 of the Immigration and
25 Nationality Act shall apply to this section.

1 SEC. 3. Section 245 of the Immigration and Nationality
2 Act (8 U.S.C. 1255) is amended to read as follows:

3 “SEC. 245. (a) The status of an alien, other than an
4 alien crewman or any alien admitted in transit without visa
5 under section 238 (d), who was inspected and admitted or
6 paroled into the United States may be adjusted by the At-
7 torney General, in his discretion and under such regulations
8 as he may prescribe, to that of an alien lawfully admitted for
9 permanent residence if (1) the alien makes an application
10 for such adjustment, (2) the alien is eligible to receive an
11 immigrant visa and is admissible to the United States for
12 permanent residence, and (3) an immigrant visa is immedi-
13 ately available to him at the time his application is filed:
14 *Provided*, That any alien who meets the qualifications of an
15 alien refugee as set forth in section 203 (a) (7) and deter-
16 mined by the Secretary of State, shall be eligible to make an
17 application for adjustment regardless of such alien's means
18 of entry into the United States.

19 “(b) Upon the approval of an application for adjustment
20 made under subsection (a), the Attorney General shall
21 record the alien's lawful admission for permanent residence
22 as of the date the order of the Attorney General approving
23 the application for the adjustment of status is made, and the
24 Secretary of State shall reduce by one the number of the
25 preference or nonpreference visas authorized to be issued

1 under section 203 (a) within the class to which the alien is
2 chargeable, for the fiscal year then current.”

3 SEC. 4. (a) Section 249 (a) of the Immigration and
4 Nationality Act is amended by striking out “June 30, 1948”
5 and inserting in lieu thereof “October 3, 1965”.

6 (b) The heading of section 249 of such Act is amended
7 by striking out “JUNE 30, 1948” and inserting in lieu
8 thereof “OCTOBER 3, 1965”.

9 (c) Item 249 in the table of contents of such Act is
10 amended by striking out “June 30, 1948” and inserting in lieu
11 thereof “October 3, 1965”.

12 SEC. 5. Section 274 of the Immigration and Nationality
13 Act (8 U.S.C. 1324) is amended by deleting the proviso
14 in paragraph 4, subsection (a) and by redesignating subsec-
15 tion (b) as subsection (c) and adding new subsections (b),
16 (c), and (d) to read as follows:

17 “(b) (1) It shall be unlawful for any employer, or any
18 person acting as an agent for such an employer, or any per-
19 son who for a fee, refers an alien for employment by such an
20 employer, to hire and employ after the effective date of this
21 Act, or refer for employment, any alien in the United States
22 who has not been lawfully admitted to the United States for
23 permanent residence, unless the employment of such alien is
24 authorized by the Attorney General: *Provided*, That an em-
25 ployer, referrer, or agent shall not be deemed to have violated

1 this subsection if he has made a bona fide inquiry whether a
2 person hereafter employed or referred by him is a citizen or
3 an alien, and if an alien, whether he is lawfully admitted to
4 the United States for permanent residence or is authorized
5 by the Attorney General to accept employment: *Provided*
6 *further*, That evidence establishing that the employer, re-
7 ferrer, or agent has obtained from the person employed or
8 referred by him a signed statement in writing in conformity
9 with regulations which shall be prescribed by the Attorney
10 General that such person is a citizen of the United States or
11 that such person is an alien lawfully admitted for permanent
12 residence or is an alien authorized by the Attorney General
13 to accept employment, shall be deemed prima facie proof
14 that such employer, agent, or referrer has made a bona fide
15 inquiry as provided in this paragraph. The Attorney General
16 of the United States shall prepare forms for the use of em-
17 ployers, agents, and referrers in obtaining such written state-
18 ments and shall furnish such forms to employers, agents, and
19 referrers upon request.

20 “(2) If, on evidence or information he deems persuasive,
21 the Attorney General concludes that an employer, agent, or
22 referrer has violated the provisions of paragraph (1), the
23 Attorney General shall serve a citation on the employer,
24 agent, or referrer informing him of such apparent violation.

25 “(3) If the Attorney General finds that any employer,

1 agent, or referrer upon whom such citation has been served
2 has thereafter violated the provisions of paragraph (1), the
3 Attorney General shall assess a penalty of not less than
4 \$1,000 for each alien in respect to whom any violation of
5 paragraph (1) is found to have occurred.

6 “(4) A civil penalty shall be assessed by the At-
7 torney General only after the person charged with a viola-
8 tion under paragraph (3) has been given an opportunity for
9 a hearing and the Attorney General has determined that
10 a violation did occur, and the amount of the penalty which
11 is warranted. The hearing shall be of record and conducted
12 before an immigration officer designated by the Attorney
13 General, individually or by regulation, and the proceedings
14 shall be conducted in accordance with the requirements of
15 title 5, section 554 of the United States Code.

16 “(5) If the person against whom a civil penalty is
17 assessed fails to pay the penalty within the time prescribed
18 in such order, the Attorney General shall file a suit to collect
19 the amount in any appropriate district court of the United
20 States. In any such suit or in any other suit seeking to review
21 the Attorney General's determination, the suit shall be
22 determined solely upon the administrative record upon which
23 the civil penalty was assessed and the Attorney General's
24 findings of fact, if supported by substantial evidence on the
25 record considered as a whole, shall be evidence on the record
26 considered as a whole, shall be conclusive.

1 “(c) Any employer or person who has been assessed
2 a civil penalty under subsection (b) (3) which has become
3 final and thereafter violates subsection (b) (1) shall be
4 assessed a civil penalty of not less than \$2,000 for each
5 alien in respect to whom any violation of this subsection
6 occurs. The provisions of subsections (b) (4) and (b) (5)
7 shall be applicable to violations of this subsection.”

8 SEC. 6. The first paragraph of section 1546 of title 18
9 of the United States Code is amended to read as follows:

10 “Whoever forges, counterfeits, alters, or falsely makes
11 any immigrant or nonimmigrant visa, permit, border cross-
12 ing card, alien registration receipt card, or other document
13 prescribed by statute or regulation for entry into or as evi-
14 dence of authorized stay in the United States, knowing it to
15 be forged, counterfeited, altered, or falsely made, or to have
16 been procured by means of any false claim or statement, or
17 to have been otherwise procured by fraud or unlawfully
18 obtained; or”.

19 SEC. 7. Nothing contained in this Act, unless otherwise
20 specifically provided therein, shall be construed to affect the
21 validity of any document or proceeding which shall be valid
22 at the time this Act shall take effect, or to affect any
23 prosecution, suit, action, or proceeding, civil or criminal,
24 done or existing, at the time this Act shall take effect; but
25 as to all such prosecutions, suits, actions, proceedings, stat-

1 .utes, conditions, rights, acts, things, liabilities, obligations,
2 or matters, the statutes or parts of statutes repealed by this
3 Act are, unless otherwise specifically provided therein, hereby
4 continued in force and effect.

5 SEC. 8. (a) Section 7151 of title 5, United States Code,
6 is amended by inserting immediately after "employees" the
7 following: "who are citizens of the United States, aliens
8 lawfully admitted for permanent residence, or aliens law-
9 fully present in the United States as a result of the applica-
10 tion of the provisions of section 203 (a) (7) or section 212
11 (d) (5) of the Immigration and Nationality Act".

12 (b) Section 703 of the Civil Rights Act of 1964 is
13 amended by adding at the end thereof the following new
14 subsection:

15 "(k) As used in this section the term 'individual' applies
16 to a citizen of the United States, an alien lawfully admitted
17 for permanent residence, or an alien lawfully present in the
18 United States as a result of the application of the provisions
19 of section 203 (a) (7) or section 212 (d) (5) of the
20 Immigration and Nationality Act."



94TH CONGRESS
2D SESSION

H. R. 12793

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1976

Mrs. FENWICK (for herself, Mr. PATTERSON of California, Mr. FRASER, Mr. MAGUIRE, Mr. OTTINGER, Mr. BADILLO, and Mr. YOUNG of Georgia) introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To amend the Interstate Commerce Act, as amended, to increase efficiency and competition and to reduce costs in the motor carrier industry by allowing easier entry and greater price flexibility and by removing excessive and wasteful regulation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Motor Carrier Reform
4 Act".

FINDINGS AND PURPOSE

5
6 SECTION 1. (a) FINDINGS.—The Congress finds and
7 declares that—

8 (1) An efficient and safe motor carrier system is
9 essential to the commerce and defense of this country.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1976

Mr. MITCHELL of Maryland (for himself, Mr. METCALFE, Mr. CONYERS, Mr. REUSS, Mr. HARRINGTON, Mr. DELLUMS, Mr. MINETA, Mr. FAUNTROY, Ms. COLLINS of Illinois, Ms. BURKE of California, Mr. SIMON, Mr. PEPPER, Mr. STOKES, Mr. FORD of Tennessee, Mr. ROYBAL, Mr. STARK, and Mr. BADILLO) introduced the following bill; which was referred jointly to the Committees on Small Business, Government Operations, and Banking, Currency and Housing

A BILL

To amend the Small Business Act to expand assistance under such Act to minority small business concerns, to provide statutory standards for contracting and subcontracting by the United States with respect to such concerns, and to create a Commission on Federal Assistance to Minority Enterprise, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Minority Enterprise
4 Act of 1976".

FINDINGS

5
6 SEC. 2. The Congress finds and declares that:

7 (1) Over the last quarter century, minorities have
8 been making concerted attempts to develop business

94TH CONGRESS
1ST SESSION

H. R. 9652

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1975

Ms. ABZUG (for herself, Mr. BRODHEAD, Ms. SPELLMAN, Mr. TSONGAS, Mr. REES, Ms. COLLINS of Illinois, Mr. WON PAT, Mr. MOFFETT, Mr. DODD, Mr. BINGHAM, Mr. MITCHELL of Maryland, Mr. BURKE of Massachusetts, Mr. OTTINGER, Mr. WOLFF, Mr. BIAGGI, Mr. CARNEY, Mr. PATTISON of New York, Mr. DELANEY, Ms. BURKE of California, Ms. MINK, Mr. DIGGS, Mr. FRASER) introduced the following bill; which was referred jointly to the Committees on Ways and Means and Interior and Foreign Commerce

A BILL

To amend titles IV, XI, and XIX of the Social Security Act to increase the Federal matching rate for purposes of reimbursement to States under the programs of aid to needy families with children and medical assistance.

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 "Uniform Federal Welfare and Medicaid Assistance Act of 1975".

SEC. 2. (a) Section 403 (a) of the Social Security Act is amended by striking out "October 1, 1958" in the matter

1 preceding paragraph (1) and inserting in lieu thereof
2 "January 1, 1976".

3 (b) Section 403 (a) of such Act is amended by striking
4 out paragraphs (1) and (2) and inserting in lieu thereof
5 the following:

6 " (1) in the case of any State, an amount equal to
7 75 per centum of the total amounts expended during such
8 quarter as aid to families with dependent children under
9 the State plan (including expenditures for premiums
10 under part B of title XVIII for individuals who are
11 recipients of money payments under such plan and other
12 insurance premiums for medical or any other type of
13 remedial care or the cost thereof) ; and".

14 (c) Section 403 (a) of such Act is further amended by
15 striking "or (2)" in the sentence following paragraph (5).

16 (d) Section 408 (c) of such Act is amended by striking
17 out "clause (A) of".

18 SEC. 3. (a) Section 1903 (a) of the Social Security
19 Act is amended by striking out "January 1, 1966" in the
20 matter preceding paragraph (1) and inserting in lieu thereof
21 "January 1, 1976".

1 (b) Section 1903 (a) (1) of such Act is amended by
2 striking out "the Federal medical assistance percentage (as
3 defined in section 1905 (b), subject to subsections (g) and
4 (h) of this section)" and inserting in lieu thereof "75 per
5 centum".

6 (c) Section 1903 (g) (1) of such Act is amended by
7 striking out "Federal medical assistance percentage" wher-
8 ever it appears and inserting in lieu thereof "percentage
9 specified in subsection (a) (1)".

10 SEC. 4. Sections 1118 and 1905 (b) of the Social
11 Security Act are repealed.

12 SEC. 5. The amendments made by this Act shall become
13 effective January 1, 1976.

H. R. 2225

BILL

A BILL

To amend titles IV, XI, and XIX of the Social Security Act to increase the Federal matching rate for purposes of reimbursement to States under the programs of aid to needy families with children and medical assistance.

By Ms. ABZUG, Mr. BRODHEAD, Ms. SPELLMAN, Mr. TSONGAS, Mr. REES, Ms. COLLINS of Illinois, Mr. WON PAT, Mr. MOFFETT, Mr. DODD, Mr. BINGHAM, Mr. MITCHELL of Maryland, Mr. BURKE of Massachusetts, Mr. OTTINGER, Mr. WOLFF, Mr. BIAGGI, Mr. CARNEY, Mr. PATTISON of New York, Mr. DELANEY, Ms. BURKE of California, Ms. MINK, Mr. DIGGS, and Mr. FRASER

SEPTEMBER 17, 1975

Referred jointly to the Committees on Ways and Means
and Interstate and Foreign Commerce

94TH CONGRESS
1ST SESSION

H. R. 9653

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1975

Ms. ABZUG (for herself, Mr. PHILLIP BURTON, Mr. RODINO, Mr. HELSTOSKI, Mr. OBERSTAR, Mr. SCHEUER, Mr. SOLARZ, Mr. ROYBAL, Mr. CONYERS, Mr. NOWAK, Mr. RICHMOND, Ms. CHISHOLM, Mr. ROONEY, Mr. DOWNEY of New York, Mr. ROE, Mr. BADILLO, Mr. KOCH, Mr. HARRINGTON, Mr. RANGEL, Mr. LAFALCE, Mr. WALSH, Mr. ADDABBO, Mr. ZEFERETTI, Mr. ROSENTHAL and Mr. MCHUGH) introduced the following bill; which was referred jointly to the Committees on Ways and Means and Interior and Foreign Commerce

A BILL

To amend titles IV, XI, and XIX of the Social Security Act to increase the Federal matching rate for purposes of reimbursement to States under the programs of aid to needy families with children and medical assistance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "Uniform Federal Welfare
4 and Medicaid Assistance Act of 1975".

5 SEC. 2. (a) Section 403 (a) of the Social Security Act
6 is amended by striking out "October 1, 1958" in the matter

1 proceeding paragraph (1) and inserting in lieu thereof
2 "January 1, 1976".

3 (b) Section 403 (a) of such Act is amended by striking
4 out paragraphs (1) and (2) and inserting in lieu thereof
5 the following:

6 " (1) in the case of any State, an amount equal to
7 75 per centum of the total amounts expended during
8 such quarter as aid to families with dependent children
9 under the State plan (including expenditures for pre-
10 miums under part B of title XVIII for individuals who
11 are recipients of money payments under such plan and
12 other insurance premiums for medical or any other type
13 of remedial care or the cost thereof) ; and"

14 (c) Section 403 (a) of such Act is further amended by
15 striking "or (2)" in the sentence following paragraph (5).

16 (d) Section 408 (c) of such Act is amended by striking
17 out "clause (A) of".

18 SEC. 3. (a) Section 1903 (a) of the Social Security
19 Act is amended by striking out "January 1, 1966" in the
20 matter preceding paragraph (1) and inserting in lieu thereof
21 "January 1, 1976".

22 (b) Section 1903 (a) (1) of such Act is amended by
23 striking out "the Federal medical assistance percentage (as
24 defined in section 1905 (b), subject to subsections (g) and

A BILL

To amend titles IV, XI, and XIX of the Social Security Act to increase the Federal matching rate for purposes of reimbursement to States under the programs of aid to needy families with children and medical assistance.

By Ms. ABZUG, Mr. PHILLIP BURTON, Mr. RODINO, Mr. HELSTOSKI, Mr. OBERSTAR, Mr. SCHEUER, Mr. SOLARZ, Mr. ROYBAL, Mr. CONYERS, Mr. NOWAK, Mr. RICHMOND, Ms. CHISHOLM, Mr. ROONEY, Mr. DOWNEY of New York, Mr. ROE, Mr. BADILLO, Mr. KOCH, Mr. HARRINGTON, Mr. RANGEL, Mr. LaFALCE, Mr. WALSH, Mr. ADDABBO, Mr. ZEFERETTI, Mr. ROSENTHAL, and Mr. McHUGH

SEPTEMBER 17, 1975

Referred jointly to the Committees on Ways and Means
and Interstate and Foreign Commerce

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1971

Mr. NIX INTRODUCED THE FOLLOWING BILL; WHICH WAS REFERRED TO
THE COMMITTEE ON FOREIGN AFFAIRS

A BILL

TO AUTHORIZE REPATRIATION OF AMERICANS OF AFRICAN DESCENT AND
THE FURNISHING OF DEVELOPMENT AID TO AFRICA, AND FOR OTHER
PURPOSES.

1 BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTA-
2 TIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

3 TITLE I

4 SEC. 101. IT IS DECLARED TO BE THE POLICY OF CONGRESS
5 TO COOPERATE WITH INDEPENDENT AFRICAN COUNTRIES INDIVID-
6 UALLY OR COLLECTIVELY THROUGH THE ASSEMBLY OF HEADS OF
7 STATE AND GOVERNMENT OF THE ORGANIZATION OF AFRICAN UNITY,
8 IN FURTHERING THE INTERESTS AND WELFARE OF LARGE NUMBERS OF

DISTRIBUTED BY: THE AFRICAN-AMERICAN REPATRIATION ASSOC.

1 PERSONS OF AFRICAN DESCENT IN THE UNITED STATES WHO DESIRE
2 TO REPATRIATE AND SETTLE PERMANENTLY IN THE INDEPENDENT
3 AFRICAN COUNTRIES.

4. SEC. 102. IT IS DECLARED TO BE THE INTENT OF THE CONGRESS
5 THAT THE BENEFITS AND PROVISIONS OF THIS ACT SHALL APPLY TO CITI-
6 ZENS OF AFRICAN DESCENT IN THE UNITED STATES WHO HAVE VOL-
7 UNTARILY EXPRESSED THEIR DESIRE TO REPATRIATE UNDER THE PRO-
8 VISIONS OF THIS ACT.

9 TITLE II

10 SEC. 201. (A) THE PRESIDENT OF THE UNITED STATES IS
11 AUTHORIZED AND DIRECTED TO ENTER INTO NEGOTIATIONS, THROUGH
12 THE DEPARTMENT OF STATE OR OTHERWISE AS HE MAY DEEM APPRO-
13 PRIATE, WITH THE GOVERNMENTS OF ALGERIA, BOTSWANA, BURUNDI,
14 CAMEROON, CENTRAL AFRICAN REPUBLIC, CHAD, CONGO, BRAZ-
15 ZAVILLE), CONGO (KINSHASA), DAHOMEY, ETHIOPIA, GABON,
16 GAMBIA, GHANA, GUINEA, IVORY COAST KENYA, LESOTHO,
17 LIBERIA, LIBYA, MALAGASY, MALI, MALAWI, MAURITANIA, MOROCCO,
18 NIGER, NIGERIA, RWANDA, SENEGAL, SIERRA LEONE, SOMALIA,
19 SUDAN, TANZANIA, TOGO, TUNISIA, UGANDA, UNITED ARAB RE-
20 PUBLIC, UPPER VOLTA, ZAMBIA, AND OTHER INDEPENDENT AFRICAN
21 COUNTRIES, RESPECTIVELY, FOR LANDS THAT THE REPATRIATES CAN
22 LIVE ON.

23 (B) THE PRESIDENT SHALL ASCERTAIN WHETHER SUCH LAND-
24 SITES WILL BE ACQUIRED AS GIFTS FOR THE REPATRIATES OR IF THEY ARE
25 TO BE PURCHASED FROM ANY OF SUCH COUNTRIES. IF THE LAND-

1 SITES ARE TO BE PURCHASED, AT A PRICE DEEMED BY THE PRESI-
2 DENT TO BE REASONABLE, HE SHALL EXERCISE HIS AUTHORITY TO CON-
3 SUMATE NEGOTIATIONS FOR THE PURCHASE OF SUCH LANDSITES.

4 (C) IF THE COUNTRIES SHALL HAVE EFFECTED PUBLIC WORKS
5 OF VALUE AND USEFULNESS IN SUCH LANDSITES OR SHALL OWN AND
6 OPERATE PUBLIC UTILITIES THEREON, THE SAME SHALL BE PART OF
7 AND BE ADDED TO THE PURCHASE PRICE OF SUCH LANDSITES.

8 (D) THE PURCHASE PRICE OF SUCH LANDSITES, INCLUDING
9 THE VALUE OF ALL PUBLIC WORKS, PUBLIC BUILDINGS, PUBLIC
10 UTILITIES OF GOVERNMENT OWNERSHIP AND OTHER PUBLIC PROPERTY,
11 SHALL BE PAID BY CREDITING THE AGREED PURCHASE PRICE AGAINST
12 THE FOREIGN AID DEBTS OWING TO THE UNITED STATES BY THE
13 COUNTRY FROM WHICH SUCH LANDSITE IS PURCHASED. IN ANY
14 INSTANCE IN WHICH THE UNITED STATES SHALL AGREE TO ASSUME
15 THE PUBLIC DEBTS OF ANY SUCH COUNTRY, OR THE PAYMENT OF
16 ANY OUTSTANDING BOND ISSUES OF ANY PUBLIC UTILITIES, THE
17 SAME SHALL BE DEDUCTED FROM THE CREDITS ACCRUING TO SUCH
18 COUNTRIES IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION

19 SEC. 202. UPON THE CONSUMMATION OF THE NEGOTIATIONS
20 REFERRED TO IN THE PRECEDING SECTION, THE PRESIDENT OF THE
21 UNITED STATES IS AUTHORIZED AND DIRECTED TO ENTER INTO FUR-
22 THER NEGOTIATIONS WITH THE GOVERNMENTS OF THE AFOREMEN-
23 TIONED AFRICAN COUNTRIES, RESPECTIVELY AND ALSO WITH OTHER
24 NATIONS OWING FOREIGN AID AND WORLD WAR DEBTS TO THE
25 UNITED STATES FOR THE PURCHASE OF GOODS AND SERVICES, INCLUD-

1 ING TEXTILES, TOOL IMPLEMENTS, MACHINES, BUILDING MATERIALS,
2 AND OTHER GOODS IN SUCH AMOUNTS, AND OF SUCH TYPE AND
3 SPECIFICATIONS AS MAY BE JUDGED BY THE PRESIDENT TO BE BEST
4 ADAPTED TO THE DEVELOPMENT AND ORGANIZATION OF THE LAND-
5 SITES SO ACQUIRED, AND AS WILL CONTRIBUTE TO THE COMFORT AND
6 SUBSISTENCE OF THOSE WHO REPATRIATE TO SUCH LANDSITES. SUCH
7 SERVICES MAY INCLUDE MARITIME TRANSPORTATION OF PERSONNEL
8 AND MATERIAL FROM POINTS OF DEPARTURE TO POINTS OF DISCHARGE.
9 SUCH GOODS AND SERVICES SHALL BE PAID FOR IN THE SAME MAN-
10 NER AS PROVIDED IN SUBSECTION (D) OF THE PRECEDING SECTION
11 FOR THE ACQUISITION OF THE LANDS, AND SUCH PAYMENTS SHALL
12 BE APPLIED ANNUALLY TO THE SAID DEBTOR COUNTRIES, RESPECTVELY.

13 TITLE III

14 SEC. 301. (A) UPON COMPLETION OF SUCH NEGOTIATIONS BY
15 THE PRESIDENT AND THE TRANSFER TO AND ACQUISITION BY THE
16 UNITED STATES OF SUCH LANDSITES, THE PRESIDENT SHALL INME-
17 DIATELY PROVIDE FOR AND PROCEED TO CREATE A BUREAU OF REPA-
18 TRIATION, WITHIN THE DEPARTMENT OF THE INTERIOR OR ACTING AS AN
19 INDEPENDENT AGENCY, AS THE PRESIDENT MAY DEEM BEST FOR THE
20 EFFICIENT OPERATION OF THIS ACT, AND ALL POWERS OF THE SAID
21 BUREAU OF REPATRIATION SHALL BE EXCECISED AND ADMINISTERED
22 BY AN ADMINISTRATOR OF REPATRIATION, HEREINAFTER IN THIS ACT
23 REFERRED TO AS THE "ADMINISTRATOR".

24 (B) THE ADMINISTRATOR MAY, WITHOUT REGARD TO THE PRO-
25 VISIONS OF TITLE 5 UNITED STATES CODE GOVERNING APPOINTMENT

1 IN THE COMPETITIVE SERVICE, AND THE PROVISIONS OF CHAPTER 51
2 AND SUBCHAPTER III OF CHAPTER 53 OF SUCH TITLE, RELATING TO
3 CLASSIFICATION AND GENERAL SCHEDULE PAY RATES, APPOINT AND FIX
4 THE COMPENSATION OF SUCH EXPERTS AND SUCH OTHER OFFICERS AND
5 EMPLOYEES AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF
6 THIS ACT; AND MAY MAKE SUCH EXPENDITURES, INCLUDING EXPEND-
7 ITURES FOR PERSONAL SERVICES, RENT OF QUARTERS AT THE SEAT OF GOV-
8 ERNMENT AND ELSEWHERE, FOR LAW BOOKS AND BOOKS OF REFERENCE,
9 FOR STATIONERY, PRINTING AND BINDING, AND OTHER FACILITIES INCI-
10 DENTAL TO THE ADEQUATE AND EFFICIENT OPERATION OF SUCH BUREAU,
11 AS MAY BE NECESSARY FOR CARRYING OUT THE PROVISIONS OF THIS
12 Act.

13 (c) (1) THE ADMINISTRATOR IS AUTHORIZED TO ESTABLISH,
14 MAN, AND EQUIP SUCH REGIONAL BRANCH OFFICES OF THE BUREAU
15 OF REPATRIATION WITHIN THE CONTINENTAL UNITED STATES AND IN
16 THE NEWLY ACQUIRED LANDSITES AS HE MAY DEEM NECESSARY TO
17 CARRY OUT THE PROVISIONS OF THIS ACT. THE REGIONAL BRANCH
18 OFFICES WITHIN THE CONTINENTAL UNITED STATES SHALL BE IN CHARGE
19 OF A DIRECTOR, APPOINTED BY THE ADMINISTRATOR, SUBJECT TO
20 THE APPROVAL OF THE PRESIDENT. THE REGIONAL BRANCH OFFICES
21 IN THE AFOREMENTIONED AFRICAN STATES SHALL BE IN CHARGE OF
22 A DEPUTY ADMINISTRATOR APPOINTED BY THE ADMIN-STRATOR
23 SUBJECT TO THE APPROVAL OF THE PRESIDENT, AND THE PARTICIPATING
24 AFRICAN STATE.

1 (2) THE DIRECTOR SHALL HAVE, IN ADDITION TO A REGULAR
2 STAFF, A SPECIAL STAFF OF AFRICAN HISTORY, LANGUAGE, RELIGION,
3 AND CULTURE EXPERTS, ASSISTED BY SUCH PERSONNEL AS THE AD-
4 MINISTRATOR DEEMS NECESSARY, FROM THE ARMED FORCES OF THE
5 UNITED STATES OR FROM CIVILIAN LIFE. IT SHALL BE AMONG THE
6 DUTIES OF SUCH STAFF, UNDER THE AUTHORITY OF THE DIRECTOR, TO
7 ESTABLISH TRAINING AND FAMILIARIZATION PROGRAMS FOR THE RE-
8 PATRIATES COMPARABLE WITH THAT GIVEN TO THE PEACE CORPS,
9 PARTICULARLY IN THE ARABIC, HAUSA, AND SWAHILI LANGUAGES,
10 AND IN THE RELIGION OF ISLAM.

11 (3) THE DEPUTY ADMINISTRATOR SHALL HAVE, IN ADDI-
12 TION TO A REGULAR STAFF, A SPECIAL STAFF OF CIVIL AND SANITARY
13 ENGINEERS, HEALTH OFFICERS, AND OTHER EXPERTS, ASSISTED BY
14 SUCH PERSONNEL AS THE ADMINISTRATOR DEEMS NECESSARY FROM
15 SUCH CITIZENS OF THE UNITED STATES AS MAY QUALIFY UNDER
16 TITLE I OF THIS ACT, FROM THE ARMED FORCES OF THE UNITED
17 STATES, OR FROM CIVILIAN LIFE. IT SHALL BE THE DUTY OF SUCH
18 STAFF IN COOPERATION WITH THE PARTICIPATING AFRICAN STATE, AND
19 UNDER THE DIRECTION OF THE DEPUTY ADMINISTRATOR, TO PRO-
20 CEED TO MAKE A SURVEY OF THE LAND AND PARTICULARLY THE
21 UNIMPROVED HINTERLAND, WITH A VIEW OF THE SUBSEQUENT ESTAB-
22 LISHMENT OF CITIES, TOWNS, AND SETTLEMENTS, THE BUILDING OF
23 ROADS, CONSTRUCTION OF BRIDGES, DRAINAGE OF MARSHLANDS, ADOPT-
24 ION OF SANITARY MEASURES, AND THE GATHERING OF ALL SUCH
25 DATA AND INFORMATION AS TO THE NATURE OF THE LAND AND THE

1 ADAPTABILITY TO CIVILIZED HABITATION, INCLUDING THE TAKING OF
2 PHOTOGRAPHS, DRAWING TOPOGRAPHIC MAPS, AND OTHER DOCU-
3 MENTARY GUIDANCE AS WILL AID THE SUBSEQUENT SETTLEMENT AND
4 DEVELOPMENT OF SUCH LANDSITES. THE STAFF OF ENGINEERS AND
5 EXPERTS SHALL SUBMIT ITS DATA AND INFORMATION TO THE PRESI-
6 DENT WITH THEIR RECOMMENDATIONS. THE STAFF OF ENGINEERS,
7 HEALTH OFFICERS, AND EXPERTS SHALL NOT BE DISCHARGED UPON
8 COMPLETION OF THE SURVEY, BUT SHALL BE RETAINED FOR SUBSE-
9 QUENT SERVICE IN CONNECTION WITH THE ORGANIZATION OF SUCH
10 LANDSITES FOR CIVILIZED HABITATION.

11 TITLE IV

12 SEC. 401. (A) THE PRESIDENT, UPON RECEIPT OF THE INFOR-
13 MATION DATA PROVIDED FOR IN SECTION 301 OF THIS ACT, SHALL
14 SUBMIT THE SAME TO THE ADMINISTRATOR TO FORMULATE AND DE-
15 VISE A COMPREHENSIVE PLAN FOR ESTABLISHING TOWNS, CITIES,
16 SETTLEMENTS, FARM DISTRICTS, BUILDING OF ROADS, DEFORESTATION
17 OF JUNGLES, CONSTRUCTION OF BRIDGES AND OF DAMS FOR HYDRO-
18 ELECTRIC POWER, DRAINAGE OF MARSHLANDS, AND IRRIGATION OF ARID
19 LANDS, GENERAL SANITATION, ERECTION OF BUILDINGS FOR PUBLIC PUR-
20 POSES, ESTABLISHMENT OF RAIL SYSTEMS AND OF POSTAL, TELEPHONE,
21 AND TELEGRAPHIC SYSTEMS, DREDGING OF HARBORS AND NAVIGABLE
22 RIVERS, CONSTRUCTION OF DOCKING FACILITIES, AND SUCH OTHER PLAN-
23 NING AND PROVISIONS AS WILL ASSURE TO THE UNITED STATES THE
24 SUCCESSFUL DEVELOPMENT OF SUCH LANDSITES AS WILL SAFEGUARD
25 THE HEALTH, LIFE, AND SAFETY OF REPATRIATES TO SUCH LANDSITES.

1 (B) UPON APPROVAL BY THE PRESIDENT OF THE PLAN OF
2 ORGANIZATION PROVIDED FOR IN THE PRECEDING SUBSECTION, AND
3 IN THE PURSUANCE OF THE AGREEMENTS PROVIDED FOR IN SECTION 202
4 OF THIS ACT, THE PRESIDENT SHALL CALL UPON THE PARTICIPATING
5 AFRICAN STATES AND OTHER DEBTOR NATIONS TO SUPPLY ALL SUCH
6 TOOLS, IMPLEMENTS, MACHINERY, BUILDING MATERIALS, TEXTILES,
7 AND SUPPLIES OF WHATSOEVER NATURE AS MAY BE NECESSARY TO
8 CARRY OUT THE PLAN OF ORGANIZATION OF SUCH LANDSITES, EITHER
9 BY SHIPMENTS FROM THE SOURCES OF SUPPLY OF THE RESPECTIVE
10 AFRICAN STATES AND OTHER DEBTOR NATIONS, OR BY PURCHASES
11 WITHIN THE UNITED STATES TO BE CHARGED TO PARTICIPATING
12 AFRICAN STATES AND OTHER DEBTOR NATIONS. THE BUREAU OF RE-
13 PATRIATION SHALL KEEP ACCOUNTS OF SUCH SUPPLY OF GOODS AND
14 SERVICES, SUBMITTING PERIODIC BALANCES TO THE PRESIDENT AS HE
15 MAY DIRECT FOR THE PURPOSE OF CREDIT TO THE SAID PARTICIPATING
16 AFRICAN STATES AND OTHER DEBTOR NATIONS IN ACCORDANCE WITH
17 SECTION 202 OF THIS ACT.

18 (C) UPON APPROVAL BY THE PRESIDENT OF THE GENERAL PLAN
19 OF ORGANIZATION PROVIDED FOR IN SUBSECTION (A) OF THIS SECTION,
20 THE PRESIDENT IS HEREBY AUTHORIZED TO ENLIST, RECRUIT, OR EMPLOY
21 SUCH NUMBER OF LABORERS AS HE MAY REASONABLY DEEM NECES-
22 SARY, INCLUDING SKILLED AND UNSKILLED LABOR FROM AMONG SUCH
23 CITIZENS OF THE UNITED STATES BETWEEN THE AGES OF EIGHTEEN
24 YEARS AND FIFTY YEARS AS MAY BEST QUALIFY SETTLEMENTERS OR REPA-
25 TRIATES TO SUCH LANDSITES IN ACCORDANCE WITH TITLE I OF THIS ACT.

1 FOR ACTIVE SERVICE IN THEIR RESPECTIVE TRADES AND PROFESSIONS IN
2 CONNECTION WITH THE CARRYING OUT OF THE GENERAL PLAN OF ORGA-
3 NIZATION OF THE LANDSITES, SUCH ACTIVE ENLISTMENT TO BE FOR A
4 TERM OF THREE YEARS, AND NOT TO EXCEED SIX YEARS UNDER A REEN-
4 LISTMENT, OR UNTIL THE INHABITANTS SHALL HAVE ASSUMED THE RE-
6 SPONSIBILITY OF CARRYING OUT THE UNFINISHED PORTIONS OF SAID
7 PLAN OF ORGANIZATION. IN ADDITION TO THEIR DEFENSIVE EQUIP-
8 MENT, THE SAID LABORERS SHALL BE FURTHER EQUIPPED WITH THE
9 NECESSARY TOOLS, MACHINERY, AND IMPLEMENTS OF LABOR NECES-
10 SARY TO CARRY OUT SUCH PLAN OF ORGANIZATION. THE RATE OF PAY,
11 RATIONS, AND SUBSISTENCE OF SAID LABORERS SHALL BE THE SAME AS
12 THE RATE OF PAY IN THE UNITED STATES ARMED FORCES FOR SIMI-
13 LAR SERVICES. THE ADMINISTRATOR, IN COOPERATION WITH THE PAR-
14 TICIPATING AFRICAN STATE AND WITH THE APPROVAL OF THE PRESI-
15 DENT, MAY FIX ADDITIONAL COMPENSATION UNDER SUCH TERMS AS
16 SHALL BE JUST AND REASONABLE TO SKILLED LABOR.

17 (D) THE PRESIDENT IS AUTHORIZED TO ACCEPT SUCH SHIP-
18 PING FACILITIES AS MAY BE OBTAINED FROM THE PARTICIPATING
19 AFRICAN STATES AND OTHER DEBTOR NATIONS FOR THE TRANSPORTA-
20 TION OF SUCH LABORERS AND TO CREDIT THE SAME TO THEIR RESPECTIVE
21 INSTALLMENTS ON THE WAR DEBTS AND FOREIGN AID DEBTS; OR, IN
22 HIS DISCRETION, HE MAY USE ALL OR ANY OF THE PERSONNEL AND
23 FACILITIES OF ANY DEPARTMENT OR AGENCY OF THE GOVERNMENT
24 OF THE UNITED STATES FOR THE TRANSPORTATION, MAINTENANCE,
25 AND DISCIPLINE OF SAID LABORERS FROM THE POINT OF ENLISTMENT

1 WITHIN THE UNITED STATES TO THE POINT OF EXPECTED SERVICE IN
2 THE PARTICULAR AFRICAN STATE.

3 SEC. 402. (A) UPON ARRIVAL OF THE LABORERS PROVIDED
4 FOR IN THE PRECEDING SUBSECTIONS, AND SUBJECT TO THE ORDERS
5 AND INSTRUCTIONS OF THE ADMINISTRATOR, THE DEPUTY ADMIN-
6 ISTRATOR RESIDENT IN THE PARTICIPATING AFRICAN STATE, IN
7 COOPERATION WITH THE PROPER OFFICIALS OF THE PARTICIPATING
8 AFRICAN STATE, AIDED BY THE STAFF OF EXPERTS AND ENGINEERS
9 PROVIDED FOR IN SECTION 302 OF THIS ACT, SHALL PROCEED TO
10 EXECUTE AND CARRY OUT THE PLAN OF ORGANIZATION OF THE LANDS,
11 AND HE SHALL BE RESPONSIBLE TO THE PRESIDENT AND TO THE
12 ADMINISTRATOR FOR ITS PROMPT AND PROPER EXECUTION. THE
13 SAID DEPUTY ADMINISTRATORS (HEREINAFTER IN THIS ACT RE-
14 FERRED TO AS "RESIDENT DEPUTY ADMINISTRATORS") SHALL BE PRO-
15 VIDED WITH ADEQUATE FACILITIES FOR THE TRANSPORTATION OF MEN
16 AND MATERIALS, AND FOR COMMUNICATION WITH THE LANDSITE AND
17 WITH THE PERTINENT AGENCIES WITHIN THE UNITED STATES TO
18 BETTER CARRY OUT THEIR DUTIES.

19 (B) EXCEPT FOR THE PERFORMANCE OF LABOR AND OTHER
20 DUTIES INCIDENTAL TO THE EXECUTIONS OF THE PLAN OR ORGANIZA-
21 TION, THE SAID LABORERS SHALL BE SUBJECT TO THE JURISDICTION OF
22 THE RESIDENT DEPUTY ADMINISTRATORS (AS DETERMINED BY
23 THE PRESIDENT AND THE PARTICIPATING AFRICAN STATE) AND SHALL
24 RENDER ALL THE COOPERATION AND ASSISTANCE NECESSARY TO AID
25 IN CARRYING OUT THE PLAN OF ORGANIZATION.

1 SEC. 403. WHEN RESIDENT DEPUTY ADMINISTRATORS SHALL
2 DEEM IT ADVISABLE, AND SUBJECT TO THEIR RECOMMENDATIONS, THE
3 ADMINISTRATOR MAY PROVIDE FOR THE TRANSPORTATION TO THE
4 LANDSITES OF THE FAMILIES AND DEPENDENTS OF ANY MEMBER OF
5 THE LABORERS RENDERING SERVICES IN THE NEWLY ACQUIRED TER-
6 RITORY IN THE SAME MANNER AS PROVIDED FOR SUBSEQUENT
7 MIGRANTS IN THE SUCCEEDING PROVISIONS OF THIS ACT. SUCH INDI-
8 VIDUALS AS SHALL HAVE VOLUNTEERED TO SERVE IN THE LABOR FORCES,
9 AND THEIR FAMILIES, SHALL BE ALLOWED A 25 PER CENTUM IN-
10 CREASE OVER AND ABOVE THE MAXIMUM ALLOWED TO ANY OTHER
11 REPATRIATE BY WAY OF GRANT-IN-AID AS HEREINAFTER IN THIS ACT
12 PROVIDED.

13 SEC. 404. UPON COMPLETION OF THE TERM OF ENLISTMENT
14 OF ANY MEMBER OF THE BUILDING AND CONSTRUCTION WORKERS
15 AND LABORERS AND ARMED FORCES, AND HIS DISCHARGE FROM
16 THE SERVICE, IT SHALL BE THE DUTY OF THE RESIDENT DEPUTY
17 ADMINISTRATORS OR THEIR SUCCESSORS IN DUTIES, TO PROVIDE THE
18 SAID DISCHARGED INDIVIDUAL WITH LAND, HOUSING, HOUSEHOLD
19 GOODS, TOOLS, AND OTHER IMPLEMENTS OF LABOR, SUSTENANCE
20 TRANSPORTATION FOR HIMSELF AND DEPENDENTS TO THE POINT OF
21 SETTLEMENT, AND ALL OTHER FACILITIES FOR HIS REENTRY INTO CIVIL
22 LIFE, INCLUDING HIS INCREASE IN GRANT-IN-AID, IN THE SAME MAN-
23 NER AS HEREINAFTER IN THIS ACT PROVIDED FOR SUBSEQUENT RE-
24 PATRIATES UNDER THIS ACT TO THE SAME AREA. IN ADDITION, ANY
25 SUCH INDIVIDUAL SHALL ENJOY PREFERENTIAL RATING FOR ANY CLASSI-

1 FIED OR UNCLASSIFIED CIVIL SERVICE POSITION THE UNITED STATES
2 GOVERNMENT MAY HAVE, SUBJECT TO THE APPROVAL OF THE PAR-
3 TICIPATING AFRICAN COUNTRY, FOR WHICH HE MAY OTHERWISE
4 QUALIFY.

5 SEC. 405. THE PRESIDENT IS AUTHORIZED, FROM FUNDS PRO-
6 VIDED IN SECTION 102 OF THIS ACT, TO PROVIDE IN ACCORDANCE
7 WITH ARMY STANDARDS, FOR PENSIONING OR PAYING OF COMPENSA-
8 TION TO ANY INDIVIDUAL SERVING IN THE LAND, SEA, OR AIR FORCES
9 PROVIDED IN TITLE IV OF THIS ACT, OR HIS DEPENDENTS, IN CASE OF
10 DEATH OR DISABILITY WHILE IN SUCH SERVICE; OR, THE PRESIDENT
11 MAY, IN HIS DISCRETION, ENTER INTO CONTRACTS OR COVENANTS WITH
12 LIFE INSURANCE COMPANIES TO PROVIDE SUCH COMPENSATION IN CASE
13 OF THE DEATH OR DISABILITY OF ANY WORKER AND LABORER, ENLISTED
14 MAN, OR OFFICER ENGAGED IN SUCH SERVICE, IN THE SAME OR SIMILAR
15 MANNER AS PROVIDED FOR WAR-RISK INSURANCE, AND THE PRESIDENT
16 IS HEREBY AUTHORIZED TO UTILIZE ANY AVAILABLE FUNDS OF THE
17 UNITED STATES FOR THE PURPOSE OF PAYMENTS OF PREMIUMS FOR
18 THE SAME. EACH INDIVIDUAL SHALL BE SO INSURED, OR PENSION AND
19 COMPENSATION SO PROVIDED FOR, ON HIS ENLISTMENT OR ASSIGNMENT
20 FOR DUTY IN THE NEWLY ACQUIRED LANDSITE.

21 SEC. 406. (A) AFTER THE ESTABLISHMENT OF THE BUREAU
22 OF REPATRIATION PROVIDED FOR IN THIS TITLE, ANY CITIZEN OF THE
23 UNITED STATES BETWEEN THE AGE OF EIGHTEEN YEARS AND FIFTY
24 YEARS, IN GOOD PHYSICAL CONDITION, WHO CAN QUALIFY IN AC-

1 CAPABLE BY REASON OF HIS TRAINING, INTELLIGENCE, AND AMBITION
2 OF BECOMING SELF-SUSTAINING AS A SETTLER IN ONE OF THE PARTICI-
3 PATING AFRICAN STATES, AND WHO DESIRES TO BECOME A REPATRIATE
4 AND SETTLER TO SUCH LANDSITES UNDER THE PROVISIONS OF THIS ACT,
5 AND ANY ACCEPTABLE ALIEN WHO IS A BONA FIDE RESIDENT OF THE
6 UNITED STATES WHO CAN QUALIFY ACCORDING TO THE PROVISIONS OF
7 THIS SECTION AND UNDER SUCH OTHER TERMS AND CONDITIONS AS THE
8 ADMINISTRATOR, IN COOPERATION WITH THE PARTICIPATING AFRICAN
9 STATES, MAY PRESCRIBE WITH RESPECT TO SUCH ALIEN, SHALL FILE
10 APPLICATION ON BLANKS PREPARED AND SUPPLIED BY THE BUREAU
11 OF REPATRIATION, WITH THE MAYOR OR WITH THE POLICE OF THE CITY
12 TOWN, OR VILLAGE IN WHICH HE RESIDES, OR WITH THE COUNTY CLERK
13 OR CORRESPONDING OFFICER OF THE COUNTY IN WHICH HE RESIDES
14 GIVING SUCH DATA AND INFORMATION AS WILL AID THE BUREAU OF
15 REPATRIATION IN MAKING THE PROPER ARRANGEMENTS FOR HIS
16 REPATRIATION AND PLACEMENT IN THE LANDSITES. IF SUCH BLANKS
17 ARE NOT AVAILABLE IN HIS CITY, TOWN, VILLAGE, OR COUNTY, THE
18 APPLICANT MAY REQUEST THE SAME FROM THE BUREAU OF REPATRIA-
19 TION, OR FROM THE NEAREST REGIONAL OFFICE OF THE BUREAU.

20 (B) IF THE APPLICANT IS A HOUSEHOLDER, HE MAY MAKE
21 APPLICATION FOR ALL THE MEMBERS OF HIS HOUSEHOLD AS A UNIT
22 AND IN SUCH A CASE THE LIMITATIONS AS TO AGE AND OTHER CON-
23 DITIONS ESTABLISHED IN THE PRECEDING SECTION SHALL NOT APPLY TO
24 THE MEMBERS OF HIS HOUSEHOLD. THE APPLICATION OF A PERSON
25 RESPONSIBLE FOR THE SUPPORT AND MAINTENANCE OF CHILDREN UNDER

1 THE AGE OF TWELVE YEARS SHALL NOT BE FAVORABLY ACTED UPON,
2 UNLESS SUCH CHILDREN ARE TO ACCOMPANY SUCH APPLICANT WHEN
3 HE REPATRIATES, OR UNLESS HE HAS MADE ADEQUATE PROVISIONS FOR
4 THEIR SUPPORT AND MAINTENANCE PENDING THEIR TRANSFER TO JOIN
5 THE APPLICANT IN THE NEW LANDSITES.

6 (c) THE FOLLOWING PERSONS SHALL NOT BE ELIGIBLE TO APPLY
7 FOR REPATRIATION: ESCAPED CONVICTS OR FUGITIVES FROM JUSTICE,
8 UNLESS THE JURISDICTION IN WHICH THEY ARE DESIRED WAIVES EX-
9 TRADITION OR PROSECUTION; PERSONS UNDER INDICTMENT AND AWAIT-
10 ING TRIAL, UNLESS THE JURISDICTION IN WHICH SAID TRIAL IS PENDING
11 WAIVES PROSECUTION; PERSONS APPLYING FOR REPATRIATION FOR THE
12 PURPOSE OF DEFRAUDING CREDITORS, UNLESS WRITTEN RELEASE FROM
13 SUCH CREDITORS IS FILED WITH THE BUREAU OF REPATRIATION; AND
14 SUCH OTHER PERSONS AS THE ADMINISTRATOR, IN COOPERATION WITH
15 THE PARTICIPATING AFRICAN STATES, MAY REASONABLY BELIEVE LIKELY
16 TO BECOME PUBLIC CHARGES OR SOCIAL LIABILITIES IN THE PARTICIPAT-
17 ING AFRICAN STATES. THE RULINGS AND OPINIONS OF THE ADMINIS-
18 TRATOR MAY BE REVIEWED BY ANY UNITED STATES DISTRICT COURT.

19 (d) THE VARIOUS MAYORS, CHIEFS OF POLICE, COUNTY CLERKS,
20 AND OTHER PERSONS IN AUTHORITY WITH WHOM SUCH APPLICA-
21 TIONS ARE FILED, SHALL FORWARD THE SAME FORWITHTH TO THE
22 BUREAU OF REPATRIATION, AND THE ADMINISTRATOR SHALL RECEIVE
23 AND PASS UPON THE SAME AND SHALL CLASSIFY AND CATALOG THE
24 SAME FOR ACTION IN ACCORDANCE WITH THE PROVISIONS OF THIS
25 ACT; BUT THE ADMINISTRATOR SHALL NOT ORDER THE TRANSFER OF

1 ANY APPLICANT OR HIS HOUSEHOLD, UNLESS PROPER AND ADEQUATE
2 PLACEMENT HAS BEEN OBTAINED IN THE LANDSITES FOR THE APPLICANT.
3 RESIDENT DEPUTY ADMINISTRATORS IN THE PARTICIPATING AFRICAN
4 STATES SHALL KEEP THE BUREAU OF REPATRIATION PROMPTLY AND
5 FULLY INFORMED AS TO POSSIBLE AND AVAILABLE PLACEMENT; SUCH
6 PLACEMENTS TO BE BASED ON OCCUPATIONAL OPPORTUNITIES FOR ECO-
7 NOMIC SELF-SUSTENANCE EITHER INDEPENDENTLY OR IN PRIVATE EM-
8 PLOYMENT OR AS A PUBLIC SERVANT IN THE FEDERAL OR BUREAU OF
9 REPATRIATION SERVICES.

10 SEC. 407. SUBJECT TO THE AUTHORITY OF THE PRESIDENT,
11 THE ADMINISTRATOR SHALL HAVE THE FOLLOWING POWERS:

12 (A) TO REQUISITION THE PARTICIPATING AFRICAN STATES AND
13 OTHER DEBTOR COUNTRIES FOR GOODS AND SERVICES IN ACCORDANCE
14 WITH THE AGREEMENTS ENTERED INTO BETWEEN THE PRESIDENT
15 AND THE PARTICIPATING AFRICAN STATES AND DEBTOR GOVERNMENTS,
16 RESPECTIVELY UNDER THE PROVISIONS OF TITLE II OF THIS ACT,
17 AND TO RECEIVE AND RECEIPT FOR THE SAME IN THE NAME OF THE
18 PRESIDENT

19 (B) TO ORDER GOODS AND SERVICES IN THE NAME OF THE
20 PRESIDENT FROM PRIVATE INDIVIDUALS OR CONCERNS IN THE ORDI-
21 NARY COURSE OF TRADE, AND CHARGE THE SAME TO SUCH APPRO-
22 PRIATIONS AS CONGRESS MAY FROM TIME TO TIME MAKE FOR THE
23 PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS ACT.

24 (C) TO REQUISITION ANY DEPARTMENT, BOARD, OR AGENCY
25 OF THE GOVERNMENT OF THE UNITED STATES FOR ANY AVAILABLE

1 GOODS , SERVICES, OR FACILITIES WHICH MAY BE USED AND USEFUL
2 IN THE CARRYING OUT OF THE PROVISIONS OF THIS ACT, WITHOUT
3 AFFECTING THE PROPER OPERATION OF SUCH DEPARTMENT, BOARD,
4 OR AGENCY.

5 (D) TO PROVIDE FREE AND LEGAL NAME CHANGING AND DI-
6 VORCES FOR ANY APPLICANT OR HIS HOUSEHOLD.

7. (E) TO NEGOTIATE WITH THE PARTICIPATING AFRICAN STATES
8. FOR THE WAIVING OF ALL EMPLOYMENT, EDUCATION, AND RESIDEN-
9 TIAL REQUIREMENTS FOR THE REPATRIATES AND FOR HIS HOUSEHOLD;
10 AND FOR PROVIDING THE REPATRIATE WITH THE MEANS TO ADOPT
11 THE NATIONALITY OF THE PARTICIPATING AFRICAN STATE HE CHOOSES
12 BY APPLYING IN PERSON OR BY MAIL AT THEIR EMBASSY IN WASH-
13 INGTON, DISTRICT OF COLUMBIA, AND FOR THOSE WHO NATIONALIZE
14 TO HAVE PRIORITY IN GOING TO THE AFRICAN STATES OF THEIR NA-
15 TIONALITY; AND CERTIFICATES OF NATIONALITY ARE TO BE DEPOSITED
16 WITH THE ADMINISTRATOR AND THE RESPECTIVE RESIDENT DEPUTY
17 ADMINISTRATOR.

18 (F) TO PROVIDE TRANSPORTATION BY AIR, LAND, AND SEA
19 TO QUALIFYING APPLICANTS REPATRIATING UNDER THE PROVISIONS
20 OF THIS ACT, AND TO THEIR HOUSEHOLDS FROM THE INITIAL POINT
21 OF DEPARTURE IN THE UNITED STATES TO THE POINT OF THE LAND-
22 SITE IN PARTICIPATING AFRICAN STATES; AND TO CONTRACT WITH
23 AIR, LAND, AND MARITIME TRANSPORTATION COMPANIES FOR SUCH
24 PURPOSES TO THE EXTENT THAT MAY BE NECESSARY BY REASON
25 OF THE FACT THAT SUCH TRANSPORTATION FACILITIES ARE NOT AVAIL

1 ABLE FROM THE DEBTOR NATIONS OR FROM THE GOVERNMENT OF THE
2 UNITED STATES.

3 (G) TO PROVIDE ADEQUATE SUBSISTENCE, MEDICAL CARE, AND
4 OTHER NECESSITIES OF LIFE FOR THE REPATRIATES DURING TRANSIT
5 AND UNTIL FINALLY SETTLED AT THE POINT OF SETTLEMENT; AND, TO
6 PAY IN WHOLE OR IN PART FOR SUCH TRANSPORTATION AND NECES-
7 SITIES AS ARE PROVIDED UNDER THIS SECTION, IN ACCORDANCE WITH
8 THE CIRCUMSTANCES AND ECONOMIC NEEDS OF EACH REPATRIATE.

9 (H) TO MAKE LOANS TO INDIVIDUALS, PARTNERSHIPS, OR COR-
10 PORATIONS COMPOSED OF REPATRIATES, IN MERITORIOUS CASES, NOT
11 TO EXCEED THE STANDARDS OF THE SMALL BUSINESS ADMINISTRA-
12 TION OF THE OFFICE OF ECONOMIC OPPORTUNITY, ON REASONABLY
13 LIBERAL TERMS AND CONDITIONS, AS INITIAL CAPITAL FOR BUSINESS
14 AND INDUSTRIAL ENTERPRISES IN SUCH LANDSITES.

15 (I) TO EXTEND SUCH GRANTS-IN-AID IN CASH OR IN SUPPLIES
16 AND EQUIPMENT, TO ALL SUCH REPATRIATES, UNLESS THEY WAIVE THEIR
17 RIGHT THERETO, FOR ESTABLISHING THEMSELVES ON A SELF-SUSTAINING
18 BASIS AT THE CHOSEN POINT OF SETTLEMENT, THE SUM OF \$10,000
19 A YEAR FOR EACH MALE OR HEAD OF HOUSEHOLD; THE SUM OF \$8,000
20 A YEAR FOR EACH FEMALE OR SPOUSE; AND THE SUM OF \$3,500 A
21 YEAR FOR EACH CHILD. SUCH GRANTS-IN-AID SHALL NOT EXTEND UNDER
22 ORDINARY CIRCUMSTANCES, FOR MORE THAN SEVEN YEARS AFTER THE
23 REPATRIATE AND HIS HOUSEHOLD SHALL HAVE SETTLED IN THEIR NEW
24 LOCATION, OR, UNDER EXTRAORDINARY CIRCUMSTANCES, FOR NOT MORE
25 THAN TEN YEARS. APPLICATION FOR GRANTS-IN-AID SHALL BE MADE TO

1 THE BUREAU OF REPATRIATION IN THE MANNER PRESCRIBED BY, AND
2 SUBJECT TO THE LIMITATIONS OF, SECTION 406 OF THIS ACT.

3 (1) THE ADMINISTRATOR SHALL HAVE AUTHORITY TO ACT
4 AS TRUSTEE FOR THE ADMINISTRATION OF STATE GRANTS-IN-AID ON
5 BEHALF OF THE REPATRIATES, ACCOUNTING PERIODICALLY TO THE
6 VARIOUS STATES THEREFOR.

7 (2) THE RESIDENT DEPUTY ADMINISTRATORS SHALL PRO-
8 VIDE MEDICAL AID, MEDICINES, AND HOSPITALIZATION FOR THE
9 REPATRIATES DURING THE PERIOD OF ECONOMIC ADJUSTMENT,
10 FREE OF CHARGE, AND SHALL TAKE SUCH OTHER AND FURTHER
11 MEASURES AS MAY BE REASONABLY NECESSARY TO SAFEGUARD
12 AND PROTECT THE HEALTH OF THE REPATRIATES.

13 (3) FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS
14 OF THIS SUBSECTION, THE RESIDENT DEPUTY ADMINISTRATORS
15 ARE AUTHORIZED TO ESTABLISH AND OPERATE WITH THE PERMIS-
16 SION OF THE PARTICIPATING AFRICAN STATES, GENERAL STORES,
17 COMMISSARIES, DEPOTS, PHARMACIES, HOSPITALS, INFIRMARIES,
18 AND OTHER BUILDINGS AND FACILITIES IN ACCORDANCE WITH THE
19 NEEDS OF THE LOCALITY OR NEW SETTLEMENT OCCUPIED BY THE
20 REPATRIATES.

21 (J) IN THE EVENT THAT THE GOVERNMENTS OF THE VARIOUS
22 STATES SHOULD EXTEND GRANTS-IN-AID TO THEIR CITIZENS WHO MAY
23 BECOME REPATRIATES UNDER THE PROVISIONS OF THIS ACT, THEN THE
24 GRANTS-IN-AID PROVIDED FOR IN THE PRECEDING SUBSECTION SHALL
25 OPERATE AS SUPPLEMENTARY GRANTS UP TO THE AMOUNTS ESTAB-

1 LISHED BY SUCH SUBSECTION. WHEN THE STATES GRANTS-IN-AID
 2 EXCEED THE LIMITS ESTABLISHED BY SUCH SUBSECTION, THE REPAI-
 3 RMENTS SHALL NOT BE DIMINISHED OR CURTAILED BY REASON OF THE
 4 CESSATION OF THE GRANTS-IN-AID UNDER SUCH SUBSECTION.

5 SEC. 409. (A) THE RESIDENT DEPUTY ADMINISTRATORS,
 6 WITH THE PERMISSION AND SUPERVISION OF THE REPRESENTATIVES OF
 7 THE PARTICIPATING AFRICAN STATES, SHALL BE ASSISTED IN THE AD-
 8 MINISTRATION OF THEIR RESPECTIVE LANDSITES AND OF HIS ACT BY A
 9 BOARD OF COMMISSIONERS APPOINTED BY THE ADMINISTRATOR WITH
 10 THE APPROVAL OF THE PRESIDENT OF THE UNITED STATES AND THE
 11 LEADER OF THE PARTICIPATING AFRICAN STATE. THE BOARD OF COM-
 12 MISSIONERS SHALL INCLUDE THE FOLLOWING:

13 (1) A COMMISSIONER OF INTERIOR.

14 (2) A COMMISSIONER OF EDUCATION.

15 (3) A COMMISSIONER OF PUBLIC HEALTH AND SANITA-
 16 TION.

17 (4) A COMMISSIONER OF AGRICULTURE, COMMERCE
 18 AND INDUSTRY.

19 (5) A COMMISSIONER OF PUBLIC WORKS.

20 (6) A COMMISSIONER OF BANKING AND FINANCE.

21 (7) A LEGAL ADVISOR.

22 (B) THE RESIDENT DEPUTY ADMINISTRATORS SHALL HAVE AU-
 23 THORITY TO APPOINT AN EXECUTIVE SECRETARY, WHO SHALL HAVE
 24 CHARGE OF ALL RECORDS AND ARCHIVES OF THE OFFICE OF THE RESIDENT
 25 DEPUTY ADMINISTRATOR, AND OF HIS SEAL.

1 (c) THE BOARD OF COMMISSIONERS, OF WHICH THE LEGAL
2 ADVISOR AND THE EXECUTIVE SECRETARY SHALL BE MEMBERS, TO-
3 GETHER WITH RESIDENT DEPUTY ADMINISTRATOR (WHO SHALL BE
4 CHAIRMAN THEREOF) AND IN COOPERATION WITH THE PARTICIPATING
5 AFRICAN STATE, SHALL PREPARE THEIR RESPECTIVE SETTLEMENTS FOR
6 HABITATION AT THE EARLIEST POSSIBLE TIME, BY ORGANIZING THEIR
7 RESPECTIVE DEPARTMENTS INTO WORKING UNITS AND ADOPTING
8 JOINTLY SUCH MEASURES AS SHALL BE DEEMED NECESSARY TO OBTAIN
9 THAT END. THE SALARIES OF THE MEMBERS OF THE BOARD OF COM-
10 MISSIONERS SHALL BE FIXED BY THE ADMINISTRATOR, SUBJECT TO THE
11 APPROVAL OF THE PRESIDENT.

12 TITLE V

13 SEC. 501. (A) ALL PROPRIETARY RIGHTS IN ANY AND ALL LANDS
14 ACQUIRED UNDER THE PROVISIONS OF THIS ACT, EXCEPT (1) LANDS
15 USED OR RESERVED FOR THE UNITED STATES AND THE RESPECTIVE
16 PARTICIPATING AFRICAN GOVERNMENTS OR OTHER PUBLIC USES; (2)
17 LANDS PREVIOUSLY ACQUIRED BY GOOD AND SUFFICIENT PRIVATE TITLE
18 OR SUBJECT TO PREVIOUSLY ACQUIRED PROPRIETARY RIGHTS; SHALL BE
19 CONVEYED BY THE PRESIDENT BY QUITCLAIM DEED TO COOPERATIVES
20 IN EACH OF THE PARTICIPATING AFRICAN STATES, ORGANIZED BY
21 THE ADMINISTRATOR UNDER THE DIRECTION OF THE PRESIDENT, FOR
22 THE ECONOMIC ORGANIZATION AND DEVELOPMENT OF THE LANDSITES
23 IN THE RESPECTIVE PARTICIPATING AFRICAN COUNTRIES.

24 (B) THE SAID COOPERATIVES IN THEIR RESPECTIVE PARTICI-
25 PATING AFRICAN COUNTRIES SHALL PARCEL OUT ALL AVAILABLE LANDS

1 EXCEPT SUCH LANDS AS SHALL BE RESERVED FOR PUBLIC UTILITIES
2 FOR ITS OWN ADMINISTRATIVE USES, INTO FARMS TO BE SOLD TO THE
3 REPATRIATES WHO MIGHT SETTLE IN THE RURAL AREAS, AND INTO
4 SUBDIVISIONS AND LOTS TO BE SOLD TO REPATRIATES WHO MIGHT
5 SETTLE IN VILLAGES, TOWNS, OR CITIES. REPATRIATES RECEIVING
6 GRANTS-IN-AID SHALL NOT BE ALLOWED MORE THAN ONE HUNDRED
7 ACRES OF FARMLAND NOR MORE THAN TEN THOUSAND SQUARE FEET
8 OF LAND SUBDIVIDED INTO URBAN LOTS.

10 (C) THE COOPERATIVES, EITHER DIRECTLY OR THROUGH A SUB-
11 SIDIARY LAND COMPANY OR COMPANIES, SHALL PROCEED TO CON-
12 STRUCT FARM HOMES, CITY DWELLINGS, BUSINESS BUILDINGS, AND
13 OTHER STRUCTURES FOR PRIVATE USE ON THE LANDS, AND SHALL SELL
14 SUCH FARMS AND DWELLINGS TO THE REPATRIATES AT COST, INCLUDING
15 EXPENSES OF ADMINISTRATION AND INTEREST ON BONDS ISSUED OR
16 PREFERRED STOCK, EITHER FOR CASH OR WITH A PARTIAL OR NO DOWN
17 PAYMENT, AND WITH NOT MORE THAN THIRTY YEARS TO MAKE FULL
18 PAYMENT. ALL HOMES SOLD TO PERSONS REPATRIATING UNDER THE
19 PROVISIONS OF THIS ACT, OR THE PLANS FOR SUCH HOMES, SHALL BE
20 APPROVED FIRST BY THE COMMISSIONER OF SANITATION AS TO SANI-
21 TARY FACILITIES, AND BY THE RESIDENT DEPUTY ADMINISTRATOR
22 BEFORE SUCH SALE IS MADE.

23 (D) THE COOPERATIVES SHALL HAVE THE EXCLUSIVE RIGHT TO
24 OPERATE, IN THE RESPECTIVE PARTICIPATING AFRICAN STATES AND IN
25 ACCORDANCE WITH THEIR LAWS, ALL OF THE PUBLIC UTILITIES FOR THE
BENEFIT OF THE PEOPLE OF THE ACQUIRED LANDS: AND THE PRESI-

1 DENT SHALL RELEASE AND QUITCLAIM TO THE SAID RESPECTIVE COOP-
2 ERATIVES ALL PROPRIETARY RIGHTS THAT MAY HAVE ACCRUED TO THE
3 UNITED STATES, BY VIRTUE OF THE NEGOTIATIONS PROVIDED IN TITLE
4 II OF THIS ACT, IN ANY RAILWAY LINE OR LINES (INCLUDING ALL
5 ROLLING STOCK AND REAL ESTATE INVOLVED), IN ANY TELEPHONE,
6 TELEGRAPH, RADIO, AND TELEVISION SYSTEMS, IN ANY HYDROELECTRIC
7 ESTABLISHMENT OR ELECTRIC LIGHT AND POWER SYSTEMS, AND IN ANY
8 OTHER PUBLIC UTILITY OR UTILITIES. THE RESPECTIVE COOPERATIVE
9 SHALL PROCEED, EITHER DIRECTLY OR BY MEANS OF SEPARATE SUB-
10 SIDIARIES, TO ORGANIZE AND EXTEND THE SAID PUBLIC UTILITIES INTO
11 COMPREHENSIVE SYSTEMS INTEGRATED INTO THE ESTABLISHED SYS-
12 TEMS OF THE RESPECTIVE PARTICIPATING AFRICAN STATE, TO THE END
13 THAT THE ENTIRE RESPECTIVE PARTICIPATING AFRICAN STATE,
14 SERVED THEREBY. SUBJECT TO THE APPROVAL OF THE PRESIDENT, AND
15 THE GOVERNMENT OF THE RESPECTIVE PARTICIPATING AFRICAN STATE,
16 ANY COOPERATIVE MAY ASSIGN TO ANY PRIVATE CORPORATION, FOR-
17 EIGN OR DOMESTIC, FOR A REASONABLE PERIOD OF TIME, ITS RIGHTS TO
18 AN EXCLUSIVE FRANCHISE TO OPERATE ANY OF SUCH PUBLIC UTILITIES
19 WHEN SUCH OPERATION MAY PROVE ADVISABLE. THE REPATRIATES
20 UNDER THE PROVISIONS OF THIS ACT SHALL HAVE PREFERENCE UNDER
21 ALL CIRCUMSTANCES FOR EMPLOYMENT FOR ANY POSITION IN SUCH
22 PUBLIC UTILITIES FOR WHICH THEY MAY OTHERWISE QUALIFY.

23 (E) THE PRESIDENT AND THE COMMISSIONER OF INTERIOR
24 SHALL QUITCLAIM TO THE COOPERATIVES IN THE RESPECTIVE PAR-
25 TICIPATING AFRICAN STATES, SUBJECT TO ITS LAWS, ALL MINES AND

1. MINING RIGHTS, AND THE COOPERATIVES SHALL HAVE THE EXCLU-
2 SIVE RIGHT TO EXPLOIT THE UNDERGROUND NATURAL RESOURCES OF
3 THE LANDSITES FOR THE BENEFIT OF THE PEOPLE; AND THE COOP-
4 ERATIVES MAY PROCEED, EITHER DIRECTLY OR THROUGH SEPARATE
5 SUBSIDIARIES, TO OPEN AND OPERATE MINES AND UTILIZE THE MIN-
6 ERAL RESOURCES OF THE LAND TO THE PROFIT OF THE PEOPLE AND
7 THE RESPECTIVE PARTICIPATING AFRICAN STATES. THE COOPERA-
8 TIVES, UNDER THE SAME RESTRICTIONS AND CONDITIONS AS ARE
9 ESTABLISHED IN THE PRECEDING SUBSECTION FOR PUBLIC UTILITIES,
10 MAY ASSIGN MINING CONCESSIONS TO PRIVATE CORPORATIONS, FOR-
11 EIGN OR DOMESTIC.

12 SEC. 502. EACH COOPERATIVE IN THEIR RESPECTIVE PARTICI-
13 PATING AFRICAN STATES, IS AUTHORIZED TO ISSUE TWO CLASSES OF
14 STOCK, TO WIT, A COMMON STOCK AND NONVOTING PREFERRED
15 STOCK WITH GUARANTEED DIVIDENDS. THE COMMON STOCK SHALL
16 NOT HAVE A PAR VALUE OF MORE THAN \$50 A SHARE; NOT MORE
17 THAN 49 PER CENTUM OF THE SAME SHALL EVER BE OFFERED FOR
18 SALE TO THE PUBLIC; AND THE SALE OF THE STOCK SHALL BE LIMITED
19 TO THE REPATRIATES IN THE RESPECTIVE PARTICIPATING AFRICAN
20 STATES. THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE STOCK
21 OF EACH OF THE COOPERATIVES IN THE NEW SETTLEMENT.

22 SEC. 503. RESPECTIVE COOPERATIVES IN EACH PARTICIPAT-
23 ING AFRICAN STATE AND SUBJECT TO ITS LAWS, EITHER IN ITS OWN
24 NAME OR THROUGH A SUBSIDIARY OR SUBSIDIARIES, ARE HEREBY
25 AUTHORIZED, SUBJECT TO THE AUTHORITY OF THE RESPECTIVE RESIDENT

1 DEPUTY ADMINISTRATOR AND THE COMMISSIONER OF BANKING
2 AND FINANCE, TO ENGAGE IN THE BUSINESS OF BANKING AND
3 FOREIGN EXCHANGE AND TO ORGANIZE A BANKING SYSTEM FOR THE
4 LANDSITES AND PROVIDE BANK-CREDIT FACILITIES TO THE REPATRIATES
5 FOR THE PURPOSE OF ECONOMIC DEVELOPMENT UNDER SUCH LIBERAL
6 TERM AND CONDITIONS AS WILL BEST CARRY OUT THE PUROSE OF
7 THIS Act.

8 SEC. 504. THE PRESIDENT IS AUTHORIZED TO ALLOCATE AND
9 ASSIGN TO THE GOVERNMENTS OF EACH PARTICIPATING AFRICAN
10 STATE, NOT TO EXCEED THE SUM OF \$250,000,000 FROM FUNDS AU-
11 THORIZED IN SECTION 202 OF THIS ACT, SUCH SUM TO APPLY TO
12 THE PURCHASE OF 51 PER CENTUM OF THE COMMON STOCK OF THE
13 RESPECTIVE COOPERATIVE, AND TO PROVIDE INITIAL CAPITAL FOR TE
14 OPERATION OF THE SAME, AND TO ADVANCE SUCH ADDITIONAL SUMS
15 AS IN HIS JUDGMENT AND ON THE RECOMMENDATION OF THE
16 ADMINISTATOR, MAY BE DEEMED NECESSARY TO PUT THIS TITLE
17 INTO EFFECTIVE OPERATION. SUCH SUM OR SUMS SHALL CONSTITUTE
18 GIFTS TO THE GOVERNMENT OF THE PARTICIPATING AFRICAN STATE
19 TO BE PAID IN NOT MORE THAN TEN YEARS.

20 TITLE VI

21 SEC. 601. THE PRESIDENT IS AUTHORIZED TO ENTER INTO
22 NEGOTIATION WITH AFRICAN STATES AND ORGANIZATIONS REFERED TO
23 IN SECTION 201 OF THIS ACT, FOR THE PURPOSE OF OBTAINNG SUF-
24 FICIENT LAND CAPABLE OF BEING ORGANIZED INTO COMMUNITIES,
25 SETTLEMENTS, AND RESIDENTIAL AND FARM DISTRICTS. SHOULD THE

1 PRESIDENT DETERMINE THAT SUCH NEGOTIATIONS MAY BE CONSUM-
2 MATED IN A MANNER SATISFACTORY TO HIM, HE SHALL HAVE ALL
3 THE NECESSARY AUTHORITY TO CONSUMMATE SUCH NEGOTIATIONS AND
4 ACCEPT A DEED OR OTHER EVIDENCE OF TITLE TO THE LANDS ON BEHALF
5 OF THE UNITED STATES.

6 (B) UPON THEIR ACQUISITION BY THE UNITED STATES, THE
7 LANDS SHALL, FOR REPATRIATION PURPOSES, BE PUT UNDER THE AU-
8 THORITY OF THE RESIDENT DEPUTY ADMINISTRATORS, WHO, EITHER
9 IN PERSON OR THROUGH A RESIDENT AGENT APPOINTED BY HIM FOR
10 THAT PURPOSE, SHALL HAVE FULL SUPERVISION OVER THE SAME FOR
11 SUCH PURPOSES, AND THE RESPECTIVE RESIDENT DEPUTY ADMINIS-
12 TRATOR OR HIS RESIDENT AGENTS SHALL ACT AS PERSONAL REPRESENTA-
13 TIVE OF THE UNITED STATES IN ALL FURTHER NEGOTIATIONS WITH THE
14 RESPECTIVE PARTICIPATING GOVERNMENTS OR ORGANIZATIONS IN
15 REFERENCE TO SUCH LANDS, EXCEPT AS THE PRESIDENT MAY OTHER-
16 WISE PROVIDE.

17 TITLE VII

18 SEC. 701. UNTIL CONGRESS SHALL HAVE BEEN ABLE TO ESTI-
19 MATE AND DETERMINE THE ANNUAL COST OF THE OPERATION OF THIS
20 ACT AND AVAILABLE INCOME FOR THE SAME, THE PRESIDENT IS AU-
21 THORIZED TO UTILIZE THE FOLLOWING FUNDS AND CREDITS TO PUT THIS
22 ACT INTO IMMEDIATE OPERATION AND TO FINANCE THE INITIAL EX-
23 PENDITURES IN CONNECTION WITH THIS ACT:

24 (A) ALL PAYMENTS IN GOLD OR IN CASH PAID BY THE DEBTOR
25 NATIONS TO THE UNITED STATES BY VIRTUE OF WORLD WAR DEBTS

1 OR FOREIGN AID DEBTS, WHETHER THAT SUM IS A SO-CALLED TOKEN
2 PAYMENT OR ANY OTHER FORM OF CASH PAYMENT.

3 (B) NOT TO EXCEED \$25,000,000,000 OF ANY FUNDS OF THE
4 UNITED STATES. IF SUCH FUNDS ARE NOT AVAILABLE, THE PRESIDENT
5 IS AUTHORIZED TO PLEDGE THE CREDIT OF THE UNITED STATES IN AN
6 AMOUNT NOT TO EXCEED \$25,000,000,000, IN ORDER TO SECURE
7 SUCH FUNDS.

8 SEC. 702. THE PRESIDENT IS AUTHORIZED TO REMOVE ANY
9 RESTRICTIONS PLACED ON THE BORROWING-POWER OR BORROWING
10 FACILITIES OF ANY NATION OWING DEBTS TO THE UNITED STATES, BY
11 ANY ACT OF CONGRESS LIMITING THE BORROWING POWERS OR FACIL-
12 ITIES OF SUCH DEBTOR NATIONS, IN CONSEQUENCE OF CONCESSIONS
13 OBTAINED BY THE UNITED STATES BY VIRTUE OF THE NEGOTIATIONS
14 OR AGREEMENTS ENTERED INTO OR CONCESSIONS OBTAINED PURSUANT
15 TO THE PROVISIONS OF TITLE II OF THIS ACT.

16 SEC. 703. IF ANY PROVISION OF THIS ACT OR THE APPLICATION
17 THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, THE
18 REMAINDER OF THE ACT, AND THE APPLICATION OF SUCH PROVISIONS
19 TO OTHER PERSONS OR CIRCUMSTANCE, SHALL NOT BE AFFECTED THERE-
20 BY FOR A PERIOD OF EIGHTEEN YEARS.

94TH CONGRESS
2D SESSION

H. R. 14068

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1976

Mr. Moss introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To create a comprehensive Federal system for determining the ownership of and amount of compensation to be paid for inventions made by employed persons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. Title 35, United States Code, is amended
4 by adding at the end thereof the following new part:

5 "PART IV.—EMPLOYEE INVENTIONS

"CHAPTER	Sec.
"40. Definitions and scope of application.....	401
"41. Service inventions.....	411
"42. Patent on service inventions.....	421
"43. General provisions.....	431

1 “(2) ‘invention’ means an invention which is pat-
2 entable under chapter 10 of this title;

3 “(3) ‘service invention’ means an invention made
4 by an employee at any time during his period of employ-
5 ment which either—

6 “(A) has grown out of the type of work per-
7 formed by the employee for the employer, or

8 “(B) is derived from experiences gained on the
9 job related to operations carried out by the em-
10 ployer; and

11 “(4) ‘free invention’ means any invention made by
12 an employee which is not a service invention.

13 **“Chapter 41.—SERVICE INVENTIONS**

“Sec.

“411. Duty of giving notice.

“412. Claiming the invention.

“413. Service inventions which become free.

“414. Compensation for service inventions.

14 **“§ 411. Duty of giving notice**

15 “(a) An employee who has made a service invention
16 must give written notice of the service invention to his
17 employer without undue delay. If several employees shared
18 in making the service invention, they may give notice either
19 independently or jointly to the employer. Upon receipt of
20 the employee’s notice, the employer shall without undue
21 delay provide the employee with a written statement of the
22 exact time when the notice was received.

1 “(b) The employee’s notice shall conspicuously indi-
2 cate that it relates to an invention and shall contain a com-
3 plete description of the invention in the manner prescribed
4 by the Commissioner.

5 “(c) An employee’s notice which does not conform to
6 the requirements of subsection (b) shall nevertheless be
7 deemed complete if the employer does not advise the
8 employee in writing, within two months after receipt of the
9 employee’s notice, in what respects the notice is incomplete.

10 “§ 412. Claiming the invention

11 “(a) An employer may claim exclusive rights in and
12 to an employee’s service invention by giving a written
13 declaration of his claim to the employee within such time
14 as the Commissioner may prescribe after the employer has
15 received a complete notice of the service invention from
16 the employee in conformity with section 411.

17 “(b) Upon receipt by the employee of such a declara-
18 tion of the employer’s claim to the employee’s service inven-
19 tion, the employee shall assign all rights to the service
20 invention to the employer in writing subject to the em-
21 ployee’s right under section 414 to receive adequate compen-
22 sation for the invention.

23 “(c) Any disposition of a service invention by the
24 employee prior to the time of the declaration of such a claim

1 by the employer which would impair the employer's rights
2 under this section is invalid to the extent that it impairs
3 such rights.

4 **“§ 413. Service inventions which become free**

5 “(a) A service invention becomes free—

6 “(1) when the employer releases it in writing;

7 “(2) when the employer fails to act to acquire
8 rights under this part after receiving the employee's
9 complete notice in conformity with section 411; or

10 “(3) when the employer, after claiming exclusive
11 rights therein, does not comply with his obligation under
12 section 421 (a) to apply for a patent on the service
13 invention.

14 “(b) A service invention which becomes free under this
15 section is not subject to the provisions of section 431.

16 **“§ 414. Compensation for service inventions**

17 “(a) An employee is entitled to adequate compensation
18 for his service invention. Such compensation shall represent
19 the fair market value of the employer's exclusive right to the
20 invention adjusted to reflect the following factors (1) the
21 position and duties of the employee, and (2) the degree to
22 which the operations of the employer contributed to the
23 making of the invention.

24 “(b) (1) The kind and amount of compensation to be

1 paid for a service invention shall be determined by agree-
2 ment between employer and employee a reasonable time
3 before issuance of the patent.

4 “(2) If agreement is not reached within such reason-
5 able period of time, the matter shall be placed before the
6 Arbitration Board.

7 “(c) When several employees contributed to making a
8 service invention, the compensation shall be determined by
9 agreement separately with each. The determination of com-
10 pensation to be paid to other contributing employees does not
11 bind any employee who objects to the determination of his
12 share.

13 “(d) When there has been a substantial change in the
14 circumstances upon which the determination of compensa-
15 tion was based, the employer or employee may demand under
16 rules established by the Commissioner that a new determina-
17 tion of the compensation be made, but the employee shall in
18 no case be obligated to return compensation which he has
19 received.

20 **“Chapter 42.—PATENT ON SERVICE INVENTIONS”**

“Sec.

“421. Patent application.

“422. Patent application abroad.

“423. Obligations of employer and employee when acquiring patents.

“424. Abandonment of patent application or patent.

“425. Trade secrets.

1 **“§ 421. Patent application**

2 “(a) Following an employer’s claim to exclusive rights
3 in and to a service invention under section 412 (a), the
4 employer shall diligently apply, in the name of the inventor,
5 for a patent on the service invention unless—

6 “(1) the service invention has become free under
7 section 413 (a) (1) or (2); or

8 “(2) section 425 (a) applies.

9 When an employer does not comply with his obligation to
10 apply for a patent on such a service invention, the in-
11 vention shall become free.

12 “(b) In the event a patent application or patent exists
13 on a service invention that becomes free, ownership to that
14 application or patent shall vest in the employee.

15 **“§ 422. Patent application abroad**

16 “The employer may apply for patents on a service
17 invention with respect to which he has made a claim to
18 exclusive rights in such foreign countries as he desires and
19 shall release the service invention in favor of the employee
20 in all other foreign countries. The employer’s release shall
21 be timely to permit the employee to take advantage of the
22 priority provisions of international treaties which accord
23 rights based on home country applications.

1 **“§ 423. Obligations of employer and employee when ac-**
2 **quiring patents**

3 “(a) When an employer applies for a patent on a serv-
4 ice invention, he shall provide the employee who made the
5 service invention, at the time of such application, with a copy
6 of the application documents, and shall keep the employee
7 informed concerning the proceedings and permit the em-
8 ployee to examine all Patent Office correspondence in con-
9 nection with the application.

10 “(b) At the employer’s request, the employee who
11 made the service invention shall assist the employer in the
12 acquisition of a patent with respect to an invention, to which
13 the employer shall have claimed exclusive rights, and shall
14 make such statements as may be necessary to document the
15 employer’s application.

16 **“§ 424. Abandonment of patent application or patent**

17 “When, prior to satisfying an employee’s claim for
18 adequate compensation with respect to exclusive rights in
19 and to a service invention, the employer intends to abandon
20 the patent application or to permit the lapse of a patent
21 already granted, he shall notify the employee in writing
22 and assign the rights to the invention to the employee, if
23 the employee so requests, all in sufficient time to enable the
24 employee to prevent such abandonment or lapse. The em-

1 employer shall make available to the employee all documents
2 necessary to preserve rights in the invention.

3 **“§ 425. Trade secrets**

4 “(a) When legitimate interests of the employer make
5 it necessary to prevent a service invention, with respect to
6 which notice has been given and with respect to which a
7 claim to exclusive rights has been made, from being publicly
8 known, the employer need not apply for a patent on the
9 invention if he makes a written declaration to the employee
10 to the effect that he recognizes the patentability of the inven-
11 tion. If the employer does not recognize the patentability of
12 the invention such employer need not apply for a patent if
13 such employer applies to the Mediation Board.

14 “(b) In determining the compensation to be paid for
15 exclusive rights in and to an invention with respect to which
16 the employer need not apply for a patent under subsection
17 (a), account must be taken of the economic disadvantage to
18 the employee because of the fact that no protective right has
19 been granted.

20 **“Chapter 43.—GENERAL PROVISIONS**

“Sec.

“431. Free inventions; notice.

“432. Exclusion of change by agreement.

“433. Secrecy.

“434. Employer-employee relationship.

“435. Arbitration.

“436. Judicial review of Arbitration Board determination.

“437. Secretary of Labor; guidelines.

“438. Prohibition of discrimination against employees.

“439. Civil action.

1 **“§ 431. Free inventions; notice**

2 “An employee who has made a free invention during
3 the period of his employment shall promptly give written
4 notice of the invention to his employer containing such in-
5 formation as may be necessary to enable the employer to
6 determine whether or not the invention is free. Unless the
7 employer makes a written declaration to the employee con-
8 testing that such invention is free within three months after
9 receiving such notice from the employee, the employer may
10 not claim the invention as a service invention.

11 **“§ 432. Exclusion of change by agreement**

12 “The applicability of the provisions of this part may
13 not be avoided by agreement to the detriment of the
14 employee.

15 **“§ 433. Secrecy**

16 “(a) An employer may not publicly disclose any em-
17 ployee’s invention with respect to which he has received
18 notice as a free invention except with the consent of the
19 employee.

20 “(b) Except as otherwise provided by this part an
21 employee may not disclose any service invention with re-
22 spect to which a claim to exclusive rights can be or has
23 been made and which has not become free.

24 **“§ 434. Employer-employee relationship**

25 “The rights and duties of employer and employee under

1 this part are not affected by the termination of the employ-
2 ment relationship.

3 **“§ 435. Arbitration**

4 “(a) There shall be an Arbitration Board (hereinafter
5 in this section referred to as the ‘Board’) in the Patent
6 Office which shall arbitrate any dispute relating to this part
7 which is referred to the Board by an employer or employee.
8 The Board shall be composed of a chairman and two associ-
9 ates appointed by the Commissioner of Patents.

10 “(b) An employer or employee may petition the Board
11 to settle a dispute by filing with the Board a petition contain-
12 ing a brief description of the circumstances of the case and
13 the name and address of the other party. The Board shall
14 send a copy of the petition to the other party with a request
15 that such party express that party’s opinion in writing with
16 respect to the petition within a designated period of time.

17 “(c) Except as otherwise provided in this section, pro-
18 ceedings before the Board shall be conducted according to
19 such rules and regulations as the Commissioner of Patents
20 may determine.

21 “(d) (1) When the Board has reached a decision by
22 majority vote, it shall serve on the parties a copy of the
23 decision together with the reasons therefor. Such decision
24 shall, subject to section 436, be binding on all parties.

1 criminate against any employee because such employee has
2 filed any complaint or instituted or caused to be instituted
3 any proceeding under or related to this part or has testified or
4 is about to testify in any such proceeding or because of the
5 exercise by such employee on behalf of himself or others
6 of any right afforded by this part.

7 “(b) Any employee who believes that he has been
8 discharged or otherwise discriminated against by any per-
9 son in violation of this section may, within thirty days after
10 such violation occurs, file a complaint with the Secretary of
11 Labor alleging such discrimination. Upon receipt of such
12 complaint, such Secretary shall cause such investigation to
13 be made as the Secretary deems appropriate. If, upon such
14 investigation, such Secretary determines that the provisions
15 of this section have been violated, the Secretary shall bring
16 a civil action in any appropriate United States district court
17 against the appropriate person. In any such action the United
18 States district courts shall have jurisdiction, for cause shown,
19 to restrain violations of subsection (a) of this section and
20 order all appropriate relief, including rehiring or reinstatement
21 of the employee to his former position with back pay.

22 “(c) Within ninety days of the receipt of a complaint
23 filed under this section the Secretary of Labor shall notify the
24 complainant of the Secretary’s determination under sub-
25 section (b) of this section.

1 **“§ 439. Civil action**

2 “(a) In any case not in arbitration, but with respect to
3 which no final arbitration order has been made, under this
4 part, an employer or employee may recover appropriate re-
5 lief in a civil action to enforce any applicable provision of
6 this part.

7 “(b) In any civil action to enforce the provisions of this
8 part, the court in its discretion, may allow the prevailing
9 party other than the United States a reasonable attorney’s
10 fee as part of the cost.”

11 SEC. 2. Section 1338 of title 28 is amended by adding
12 at the end thereof the following:

13 “(c) The district courts shall have original jurisdiction
14 exclusive of the courts of the States of any civil action arising
15 under part IV of title 35, United States Code, relating to
16 inventions.”

17 SEC. 3. The amendments made by this Act shall apply
18 to any invention made on or after the one hundred and eight-
19 ieth day after the date of the enactment of this Act.

IN THE SENATE OF THE UNITED STATES

Mr. HUMPHREY (for himself and Mr. JAVITS)

introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Employment Act of 1946 by providing for the development and adoption of a Balanced Economic Growth Plan, and for other purposes.

(Insert title of bill here)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Employment Act of 1946 is amended by adding at the end thereof the following new title:

"TITLE II--BALANCED GROWTH AND ECONOMIC PLANNING

"SHORT TITLE

"Sec. 201. This title may be cited as the 'Balanced Growth and Economic Planning Act of 1975'.

"FINDINGS

"Sec. 202. (a) The United States is suffering its worst economic decline since the 1930's. The combination of severe inflation and recession has disrupted the nation's economy and has caused hardship for millions of Americans. Recession and inflation have both revealed basic structural deficiencies in the United States economy and have been intensified by conflicting and erratic short-term economic policies without in many cases providing long-term solutions.

"(b) The failure to develop a long-term national economic policy has also created fundamental imbalances in the economy.

"(c) No single Government agency is responsible for acquiring a current detailed view of the national economy and its component interrelationships and the data necessary to maintain such a picture. Without such information, it is not possible adequately to analyze the economy, to anticipate and identify emerging problems, or to advise the President and the Congress about timely and effective action. Government data collection must be better coordinated and systematized and information should be in a form that permits the identification ^{and} ~~in~~ detailed comparison of major available options.

"(d) Although the Federal Government plays a major role in the nation's economy, the United States has no single governmental body engaged in the systematic and comprehensive formulation of national economic goals and policies. The formulation of long-term national economic goals, the identification of available and potential labor, capital, and natural resources, and recommendations for policies to reconcile goals and resources would enable the Federal Government to determine and rationalize its own impact on the national economy. These activities ^{it} would provide assistance to State and local governments and the private sector by permitting action with greater knowledge of the nation's economic direction.

"(e) The establishment of an agency to recommend to the executive and legislative branches consistent long range economic goals and priorities, and policies ^{to} provide for their realization, would fill a major national need.

"(f) Individual economic security and personal well being are essential requirements to balanced growth in a free society. The economic decisions of the Federal government have direct impact on the lives of individual citizens. It is therefore necessary to provide a process of open and

democratic planning for the future to enable the citizens of the United States to participate fully in the making of policies affecting the national economy.

"(g) The Congress finds that the formulation of national economic goals, consistent with the nation's economic resources, and the identification of coherent policies to realize those goals are important national requirements which will achieve balanced economic growth and promote the economic well being of all our citizens.

"PURPOSES

"Sec. 203. The purposes of this title are to:

"(1) Establish an Office of Balanced Growth and Economic Planning in the Executive Office of the President with responsibility for systematically anticipating the Nation's economic needs, measuring available national economic resources, assuring an adequate supply of industrial raw materials and energy, outlining economic goals, and in the light of long-range economic trends and opportunities, for developing a proposed Balanced Economic Growth Plan, and recommending policies to achieve the objectives of the Plan.

"(2) Provide for the development of a Balanced Economic Growth Plan, embodying coherent and realizable long-term economic goals, consistent with the Nation's economic resources and identifying the policies and actions that would be required to attain such goals.

"(3) Provide for the continuing and systematic access by the Office of Balanced Growth and Economic Planning to economic information and data of the detail, consistency, and comparability needed to prepare, review, and revise the Balanced Economic Growth Plan and to monitor implementation of the Plan, and for the general dissemination of such information and data to promote widespread, informed and

effective public participation in the planning process.

"(4) Provide for appropriate participation by State and local governments and regional organizations, business, labor, consumers, other interested groups, organizations, and private citizens in the development and revision of such Plan.

"(5) Provide for Congressional review of each proposed Balanced Economic Growth Plan and for the approval or disapproval of the Plan by concurrent resolution of the Congress.

"(6) Establish procedures whereby the departments and agencies of the Federal Government will contribute to the continued assessment and implementation of the Balanced Economic Growth Plan.

"OFFICE OF BALANCED GROWTH AND ECONOMIC PLANNING

"Sec. 204. (a) There is established in the Executive Office of the President an Office of Balanced Growth and Economic Planning (referred to in this title as the 'Office') which shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. 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, and who shall carry out the functions of the Director during any absence, or period of vacancy in the position, of the Director, and who shall carry out such other functions as the Director may prescribe.

"(b) The Director shall--

"(1) prepare and submit to the Council on Balanced Growth and Economic Planning a proposed Balanced Economic Growth Plan, as provided in section 203 (a), for approval by the Council;

"(2) seek the active participation by regional, State, and local agencies and instrumentalities and the private sector through public hearings and other appropriate means to insure that the views and proposals of all segments of the economy are taken into account in the formulation of the Plan;

"(3) evaluate and measure the achievement of the goals and objectives contained in any approved Balanced Economic Growth Plan and report thereon, as provided in section 208 (b);

"(4) review major programs and activities of the Federal Government to determine the extent to which such programs or activities are consistent with any approved Plan;

"(5) coordinate the long-range planning activities of the departments and agencies of the Federal Government to assure maximum consistency of such activities with the goals and objectives stated in an approved Plan; and

"(6) carry out such other functions pertaining to long-term economic planning as the President may direct.

"(c) The Director is authorized--

"(1) to appoint and fix the compensation of, such specialists and other experts as may be necessary to carry out the functions of the Office, the Council, or any advisory committee under this title, 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 regarding classification and General Schedule pay rates; and subject to all such provisions, to appoint

and fix the compensation of such other officers and employees as may be necessary for carrying out such functions;

"(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code;

"(3) to contract with any public agency or instrumentality or with any person or organization for the performance of services in furtherance of the functions and responsibilities of the Office; and

"(4) hold such hearings at such times and places as he deems advisable, and administer oaths and affirmations to witnesses.

"(d) (1) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"(13) Director of the Office of Balanced Growth and Economic Planning.'

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

"(22) Deputy Director of the Office of Balanced Growth and Economic Planning.'

"BUREAU OF ECONOMIC INFORMATION

"Sec. 205. (a) There is established in the Office a Bureau of Economic Information (referred to in this title as the 'Bureau') through which the Director is authorized to secure information, data, estimates, and statistics directly from various departments, agencies, and establishments of the Executive branch of government. All such departments, agencies, and establishments shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized upon agreement with the head of any such department, agency, or establishment, to utilize its services,

facilities, and personnel with or without reimbursement, and the head of each such department, agency, or establishment is authorized to provide the Director such services, facilities, and personnel.

"(b) The Director shall carry out a program to insure the dissemination of economic data, statistics, and information in such form and manner as will provide a basis on which State and local governments, private enterprise, and the Federal government can make informed economic decisions and participate effectively in the planning process carried out under this title.

"(c) (1) The furnishing of any information, data, estimates, or statistics under this title by any person acting independently or pursuant to a requirement established under this title shall not be a violation of or evidence of a violation of any of the antitrust laws of the United States.

"(2) Disclosure of any information, data, estimates, or statistics in violation of any rule or regulation promulgated by the Director or the disclosure of any trade secret or proprietary information or any other information furnished to the Federal Government on a confidential basis by any person in the exercise of functions under this title shall be a violation of section 1905 of title 18, United States Code.

"COUNCIL ON BALANCED GROWTH AND ECONOMIC PLANNING

"Sec. 206. (a) There is established in the Office of Balanced Growth and Economic Planning a Council on Balanced Growth and Economic Planning (referred to in this title as the 'Council') which shall consist of--

"(1) the Director of the Office of Balanced Growth and Economic Planning, who shall be the Chairman of the Council;

"(2) the Secretary of State;

"(3) the Secretary of the Treasury;

"(4) the Secretary of Defense;

"(5) the Secretary of the Interior;

"(6) the Secretary of Housing and Urban Development;

"(7) the Attorney General;

- "(8) the Secretary of Transportation;
- "(9) the Secretary of Agriculture;
- "(10) the Secretary of Commerce;
- "(11) the Secretary of Labor;
- "(12) the Secretary of Health, Education, and Welfare;
- "(13) the Chairman of the Federal Reserve Board;
- "(14) the Chairman of the Council of Economic Advisers;
- "(15) the Director of the Office of Management and

Budget;

"(16) the Administrator of the Federal Energy Administration; and

"(17) the Chairman of the Advisory Committee
Balanced Growth and
on/Economic Planning.

"(b) It shall be the function of the Council to review and make such revisions as it deems appropriate in the Balanced Economic Growth Plan as submitted by the Director under section 204, and, upon approval of the Plan, to transmit the Plan to the President, and to review, on a regular basis, progress made in the implementation of the Plan. The Council shall adopt such rules for the conduct of its business as it may deem proper.

"ADVISORY COMMITTEE ON BALANCED GROWTH AND ECONOMIC PLANNING

"Sec. 207. (a) To furnish advice and assistance to the Director and to the Council in the preparation and review of the Plan, there is established an Advisory Committee on Balanced Growth and Economic Planning which shall consist of--

"(1) four members appointed by the President;

"(2) four members appointed by the Speaker of the House of Representatives; and

"(3) four members appointed by the President of the Senate.

The Committee shall elect a Chairman, and shall meet at the call of the Chairman, but not less than twice a year. The members of the Advisory Committee shall be appointed from among representatives of business, labor, and the public at large, who are competent by virtue of training or experience to furnish advice to the Director and to the Council on the views and opinions of broad segments of the public in matters involved in the formulation and implementation of the Balanced Economic Growth Plan. Each member of the Advisory Committee shall be entitled to be compensated at a rate equal to the per diem equivalent of the rate for an individual occupying a position under level III of the Executive Schedule under section 5314 of title 5, United States Code, when engaged in the actual performance of his duties as such a member, and each member shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"(b) The Advisory Committee is authorized to establish regional or industry subcommittees to furnish advice and assistance to it in the formulation and implementation of the Plan. Any such ^{subcommittee} / ^{including} shall consist of at least one member of the Advisory Committee and shall be broadly ^{particular} representative of the /region or industry, including business, labor, and consumer interests.

"THE BALANCED ECONOMIC GROWTH PLAN

"Sec. 208. (a) Not later than April 1, 1977, and biannually thereafter, the President shall transmit to the Congress a six-year proposed Balanced Economic Growth Plan prepared by the Director and approved by the Council. The Plan shall--

"(1) establish economic objectives for the period of the Plan, paying particular attention to the attainment of the goals of full employment, price stability, balanced economic growth, an equitable distribution of income, the efficient utilization of both private and public resources, balanced regional and urban development, stable international relations, and meeting essential national needs.

"STATE AND LOCAL PARTICIPATION

"Sec. 209. (a) The Director shall establish procedures to insure widespread consultation with regional, State, and local planning agencies in preparation of the Plan.

"(b) At the time of submission of any proposed Balanced Economic Growth Plan to the Congress, the President shall transmit copies of the Plan to the Governor of each State and to other appropriate State and local officials. Within 45 days from the submission by the President to Congress of the proposed Plan, the Governor of each State may submit to the Joint Economic Committee a report containing findings and recommendations with respect to the proposed Plan. Any such report submitted by a Governor shall include the views and comments of citizens within the State, after public hearings have been held within the State.

"(c) Upon the request of any regional, State or local planning agency, the Office of Balanced Growth and Economic Planning shall review the plan of such agency to determine its consistency with the Plan and recommend changes to bring such plan more fully into conformity with the Plan. Funds available to such an agency under section 701 of the Housing Act of 1954 may, in accordance with such regulations as the President may prescribe, be used by such agency for the purpose of making such changes.

"CONGRESSIONAL REVIEW

"Sec. 210. (a) Each proposed Balanced Economic Growth Plan shall be referred to the Joint Economic Committee of the Congress. Within 45 days after receipt by the Congress of such proposed Plan, each standing committee of the House of Representatives and each standing committee of the Senate

and each joint committee of the Congress shall submit to the Joint Economic Committee a report containing its views and recommendations with respect to all matters contained in the Plan which relate to matters within the jurisdiction of each such committee.

"(b) The reports by ^{the} Committee on the Budget of the Senate and the Committee on the Budget of the House of Representatives under subsection (a) shall contain the recommendations of such committees on the appropriate budget policy for each year referred to in the proposed Plan.

"(c) The Joint Economic Committee shall hold such hearings for the purpose of receiving testimony from Members of Congress, appropriate representatives of Federal departments and agencies, the general public, and interested groups as the Committee deems advisable. The Committee shall also consider the comments and views on the proposed plan which are received from State and local officials under section 209.

"(d) Not later than 90 days after the submission of a proposed National Economic Plan to the Congress, the Joint Economic Committee shall report to the House of Representatives and to the Senate a concurrent resolution which shall state in substance that Congress approves or disapproves the proposed Plan, in whole or in part, and which may contain such alternatives to, modifications of, or additions to the plan as the Committee deems appropriate. The report accompanying such concurrent resolution shall include findings and recommendations of the Committee with respect to each of the main recommendations contained in the proposed Plan. The Joint Economic Committee may from time to time make such other reports and recommendations to the House and Senate as it deems advisable.

"(e) Not later than 120 days after submission of a proposed National Economic Plan to the Congress, the Congress shall act upon a concurrent resolution reported under subsection (b). Upon adoption of any such resolution, a copy thereof, together with a copy of any report or document prepared by any committee of either House or by any joint committee in connection with the consideration by the Congress of the proposed Plan shall be transmitted to the President.

"(f) There are hereby authorized to be appropriated to the Joint Economic Committee such sums as may be necessary to enable it to carry out its functions under this section.

"FINAL ADOPTION OF PLAN

"Sec. 211. (a) Upon receipt of a concurrent resolution pursuant to section 208, the President may make such modifications as he deems appropriate in any part of the Plan which was disapproved or which was not approved by the Congress, and shall publish a copy of the Plan, together with a copy of the concurrent resolution and all reports and documents accompanying such resolution, except that, if the concurrent resolution disapproved the entire proposed Plan, the President shall revise the Plan and resubmit it to the Congress not later than 30 days after the receipt of the concurrent resolution. Not later than 30 days after receipt of a revised Plan under the preceding sentence, the Congress shall, by concurrent resolution, approve or disapprove, in whole or in part, the revised Plan.

"(b) The President directly, or acting through the Director, may not take any action under section 212, and the Director may not take any action under such section, with respect to any part of a proposed Balanced Growth and Economic Plan which has not been approved or which has been disapproved by the Congress.

"EXECUTIVE BRANCH IMPLEMENTATION OF NATIONAL ECONOMIC PLAN

"Sec. 212. (a) The President, with the assistance of the Director and the Council, shall take appropriate actions (1) to insure that the departments and agencies of the executive branch will implement or conform with an approved Balanced Economic Growth Plan to the maximum extent practicable, and (2) to encourage State and local governments and the private sector to carry out their programs and activities in such a manner as to further the objectives and goals of the Plan.

"(b) Whenever the Director determines that any department or agency of the Federal Government has submitted any budget request to the President or the Congress, or proposed any legislation, rule or regulation, or undertaken any other activity which may have a significant effect on the achievement of the goals and objectives contained in an approved Balanced Economic Growth Plan, the Director may require the head of such department or agency to submit a detailed statement to the Director assessing the consistency of the proposed budget, legislation, rule, regulation, or other action, with the Plan, together with the reasons for any significant departure from such goals and objectives.

"DIVISION OF BALANCED GROWTH AND ECONOMIC PLANNING

"Sec. 213. (a) There is established within the Congressional Budget Office a Division of Balanced Growth and Economic Planning (hereinafter referred to as the 'Division') to perform long-term economic analysis. The Division shall be headed by a Deputy Director who shall perform his duties under the supervision of the Director of the Congressional Budget Office and shall perform such other duties as may be assigned to him by the Director. Such Deputy Director shall be appointed in the same manner, serve for the same period, and receive the same compensation as the Deputy Director provided for in section 201 of the Congressional Budget Act of 1974.

"(b) It shall be the duty and function of the Division to provide to the Joint Economic Committee information which will assist the Committee in the discharge of all matters within its jurisdiction, including--

"(1) information with respect to long-term economic trends, national goals, resource availability, and the economic policies necessary to achieve balanced long-term economic growth,

"(2) information necessary for the preparation of the report and concurrent resolution identified in section 210 (d), and

"(3) such related information as the Committee may request.

"(c) At the request of any other committee of the House of Representatives or the Senate, or any joint committee of Congress, the Division shall provide to such committee or joint committee the information necessary to fulfill their responsibilities under section 203 (a).

"AUTHORIZATION

"Sec. 214. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

RELATION TO THE COUNCIL OF ECONOMIC ADVISERS

Sec. 2. (a) Section 4 (c) of the Employment Act of 1946 is amended by striking out clause (1) and inserting in lieu thereof the following:

"(1) to assist and advise the President in the preparation of the Economic Report, and to make a detailed analysis of the consistency of the Economic Report with the National Economic Plan;" .

(b) Section 3 (a) of the Employment Act of 1946 is amended by striking out "and" before clause (4), and by inserting before the period at the end of clause (4) a semicolon and the following: "and (5) an analysis of the relationship between the economic report and the Balanced Economic Growth Plan".

ECONOMIC INFORMATION

Sec. 3. At the time of the presentation of the first Balanced Economic Growth Plan to Congress, the Bureau of Economic Information of the Office of Balanced Growth and Economic Planning, at the direction of and with the approval of the Director, shall transmit to the Congress a report on economic data, statistics, and information, which shall contain the following:

(1) A review, carried out in conjunction with other departments and agencies of the Federal Government, of the activities, methods, and purposes of the information and statistical gathering, collation, analysis, and presentation functions of the Federal Government.

(2) An analysis of the inadequacies and problems of the existing information and statistical systems.

(3) Recommendations for the improvement or modification in the standards, methods, and systems of statistics and information gathering.

(4) Recommendations for such changes as are required to enable the Bureau to evaluate and improve the information functions of the Federal Government.

(5) A report on the availability of economic data under section 204 (c) (1) of the Balanced Growth and Economic Planning Act of 1975.

(6) Recommendations for such additional authority as may be necessary to obtain data not available under section 204 (c) (1) of the Balanced Growth and Economic Planning Act of 1975.