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signed 12/31/75

APPROVED
DEC 31 1975

ACTION

THE WHITE HOUSE

WASHINGTON

Last Day: December 31

December 29, 1975

*Posted
1/1*

*To [unclear]
1/2*

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON
SUBJECT: H.R. 11172 - Federal Maritime
Commissioner Compensation

Attached for your consideration is H.R. 11172, sponsored by Representatives Henderson and Derwinski, which reduces the salary Congressman Robert R. Casey will receive as Federal Maritime Commissioner from \$39,900 to \$38,000.

The Constitution provides that no Senator or Representative shall be appointed to any civil office for which the salary has been increased during his elected term. Congressman Casey was serving in the House of Representatives when the Executive Salary Act took effect, increasing the salary rate for members of the Commission from \$38,000 to \$39,900. The enrolled bill is intended to overcome the constitutional restriction to the Congressman's appointment by reducing his compensation to the amount in effect prior to the commencement of the 94th Congress. Similar legislation was enacted in 1973 in connection with the appointment of Attorney General Saxbe.

The enrolled bill also provides for expedited adjudication of all civil actions designed to test the constitutionality of Congressman Casey's appointment.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 11172 at Tab B.



A



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 24 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11172 - Federal Maritime
Commissioner Compensation
Sponsors: Rep. Henderson (D) North Carolina and
Rep. Derwinski (R) Illinois

Last Day for Action

December 31, 1975 - Wednesday

Purpose

Reduces the salary Congressman Robert R. Casey will receive as Federal Maritime Commissioner from \$39,900 to \$38,000, the rate in effect on January 1, 1975.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Federal Maritime Commission	Approval
Civil Service Commission	Approval

Discussion

On December 19, 1975, the Senate confirmed your nomination of Congressman Robert R. Casey to be a member of the Federal Maritime Commission in the position vacated by Commissioner George Henry Hearn. Congressman Casey was serving as a Member of the House of Representatives when the Executive Salary Act took effect, increasing salary rates for members of the Commission from \$38,000 to \$39,900 a year.

The Constitution in Article I, Section 6, Clause 2 provides that:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which

shall have been created, or the Emoluments whereof shall have been increased during such time..."

The enrolled bill is intended to remove the constitutional impediment to Congressman Casey's appointment by reducing the compensation for the Maritime Commissioner position to be held by him to that in effect on January 1, 1975, prior to the commencement of the 94th Congress. The reduced compensation would remain in effect for the duration of the 94th Congress, from January 3, 1975, until noon, January 3, 1977, or until Congressman Casey vacates the Maritime Commissioner position, whichever first occurs.

H.R. 11172 would also provide for expedited adjudication of all civil actions designed to test the constitutionality of Congressman Casey's appointment. It would do this by establishing exclusive jurisdiction in the United States District Court for the District of Columbia without regard to sum or value and by providing for a three-judge panel with appeal therefrom direct to the Supreme Court.

H.R. 11172 is similar to legislation submitted by the Attorney General on December 12, 1975. It is also similar to P.L. 93-178, approved December 10, 1973, which enabled Senator Saxbe to accept appointment as Attorney General.

The Justice Department, in its views letter on the enrolled bill, recommends approval but states that "in such cases nomination as well as appointment must in point of time follow enactment of the legislation."

Justice staff has informally confirmed the Department's concern that the sequence of events in this instance, with nomination and confirmation having occurred before approval of this legislation, may not remove the constitutional bar to Congressman Casey's appointment.

It would therefore be advisable for your Counsel's office to consult with appropriate Justice Department officials on possible further steps to be taken after the bill is approved.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures





UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

December 23, 1975

Honorable James T. Lynn
Director
Office of Management and Budget

Attention: Assistant Director for
Legislative Reference

Dear Mr. Lynn:

This is in response to your request for the views and recommendation of the Civil Service Commission on H.R. 11172, an enrolled bill "To insure that the compensation and other emoluments for any person filling the vacancy on the Federal Maritime Commission caused by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, and for other purposes."

This enrolled bill is intended to remove a constitutional impediment to the nomination and appointment of Representative Bob Casey to the Office of Commissioner of the Federal Maritime Commission which was vacated by the resignation of Commissioner George Henry Hearn. Clause 2 of section 6 of article I of the Constitution provides, in relevant part, that

[n]o Senator or Representative shall, during the time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time;....

At the beginning of Mr. Casey's current term of service in the House of Representatives, on January 3, 1975, the salary of the Office of Commissioner of the Federal Maritime Commission was \$38,000. In October 1975, the salary was increased to \$39,000 as a result of Public Law 94-82, the Executive Salary Cost-of-Living Adjustment Act, approved August 9, 1975. Enrolled bill H.R. 11172 would return the salary to the \$38,000 rate that was in effect on January 1, 1975, and provides that this salary rate may not be increased before noon on January 3, 1977. The bill also mandates restoration of the appropriate rate either at noon, January 3, 1977, or on the date the person next appointed ceases to hold the office, whichever occurs first.

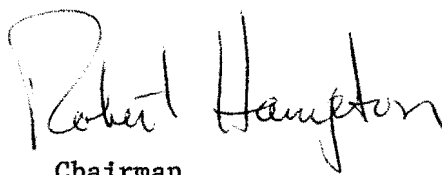
We do not presume to speak authoritatively to the question of the constitutionality of this method of qualifying Mr. Casey for appointment to the Office of Commissioner of the Federal Maritime Commission. However, we do note that this same method has been used in a parallel situation, when the salary of the Office of Attorney General was reduced by Public Law 93-178 (87 Stat. 697), in order to allow Senator Saxbe to be appointed to that Office. To our knowledge, the constitutionality of Attorney General Saxbe's appointment or continuance in office was never questioned.

We do note, however, one difference between the two cases. In Mr. Saxbe's case, the reduction in salary for the office preceded his confirmation by the Senate. Mr. Casey, however, was confirmed by the Senate on December 19, 1975, after the salary reduction legislation had passed both Houses of Congress but before it was signed by the President. As long as Mr. Casey's confirmation does not constitute appointment the reversed order of events should not be significant here.

Since enrolled bill H.R. 11172 does seem to satisfy the intent of the framers of article I, section 6, clause 2 of the Constitution, we believe it is an appropriate method of qualifying Mr. Casey for appointment. Therefore, the Civil Service Commission recommends that the President sign enrolled bill H.R. 11172.

By direction of the Commission:

Sincerely yours,


Chairman



Federal Maritime Commission
Washington, D. C. 20573

Office of the Chairman

December 19, 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

This is in response to your request of December 18, 1975, for the views and recommendations of the Federal Maritime Commission with respect to H.R. 11172, an enrolled bill

To insure that the compensation and other emoluments for any person filling the vacancy on the Federal Maritime Commission caused by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, and for other purposes.

The Federal Maritime Commission recommends Presidential approval of H.R. 11172.

Sincerely yours,

Karl E. Bakke

Karl E. Bakke
Chairman

Department of Justice
Washington, D. C. 20530

December 22, 1975

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 11172, "To insure that the compensation and other emoluments for any person filling the vacancy on the Federal Maritime Commission caused by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, and for other purposes."

The bill has been occasioned by the President's intent to appoint Robert R. Casey, who is now a member of the House of Representatives, to the Federal Maritime Commission. Since the compensation of that office has been increased during this Congress, Congressman Casey cannot be appointed to that position under Article I, section 6, clause 2 of the Constitution. The purpose of the bill is to remove this constitutional disqualification by providing that the compensation and emoluments of that office shall be those prevailing on January 1, 1975, i.e., those which existed when Congressman Casey's current term of office began. The bill would also vest exclusive jurisdiction in the United States District Court for the District of Columbia for all civil actions designed to contest the validity of Mr. Casey's appointment to and continuance in the office on the ground that they are in violation of Article I, section 6, clause 2 of the Constitution. Similar legislation was enacted in 1973 in connection with the appointment of Attorney General Saxbe. See the act of December 10, 1973, Pub. Law 93-178, 87 Stat. 697.

On December 12, 1975, the Attorney General submitted to the Congress legislation similar to H.R. 11172 to remove the disqualification of Congressman Casey.

While no court has passed on the efficacy of legislation of this character, we believe that it will serve its purpose. We should also note that in such cases nomination as well as appointment must in point of time follow enactment of the legislation. See 17 Op. A.G. 522 (1883).

The Department of Justice recommends Executive approval of the legislation.

Sincerely,

A handwritten signature in cursive script, reading "Michael M. Uhlmann". The signature is written in dark ink and is positioned above the typed name and title.

Michael M. Uhlmann
Assistant Attorney General
Office of Legislative Affairs

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 24

Time: 130pm

FOR ACTION:

Paul Leach *PL*
Max Friedersdorf *MF*
Ken Lazarus *KL*
~~Doug Bennett~~

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 29

Time: noon

SUBJECT:

H.R. 11172 - Federal Maritime Commissioner Compensation

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, West Basement,



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

WASHINGTON

December 29, 1975

MEMORANDUM FOR:

JIM CAVANAUGH

FROM:

MAX FRIEDERSDORF *M.F.*

SUBJECT:

H.R. 11172 - Federal Maritime Commission:
Compensation

The Office of Legislative Affairs has reviewed subject bill
and recommends it be signed.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 24 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11172 - Federal Maritime
Commissioner Compensation
Sponsors: Rep. Henderson (D) North Carolina and
Rep. Derwinski (R) Illinois

Last Day for Action

December 31, 1975 - Wednesday

Purpose

Reduces the salary Congressman Robert R. Casey will receive as Federal Maritime Commissioner from \$39,900 to \$38,000, the rate in effect on January 1, 1975.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Federal Maritime Commission	Approval
Civil Service Commission	Approval

Discussion

On December 19, 1975, the Senate confirmed your nomination of Congressman Robert R. Casey to be a member of the Federal Maritime Commission in the position vacated by Commissioner George Henry Hearn. Congressman Casey was serving as a Member of the House of Representatives when the Executive Salary Act took effect, increasing salary rates for members of the Commission from \$38,000 to \$39,900 a year.

The Constitution in Article I, Section 6, Clause 2 provides that:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 24

Time: 130pm

FOR ACTION:

Dick Parsons ✓
Paul Leach
Max Friedersdorf
Ken Lazarus
Doug Bennett *mb*

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: noon

SUBJECT:

H.R. 11172 - Federal Maritime Commissioner Compensation

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS: *I recommend approval of H.R. 11172.*
Please return to Judy Johnston, West Basement,

RJD

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 24

Time: 130pm

FOR ACTION: Paul Leach
Max Friedersdorf
Ken Lazarus
Doug Bennett

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 29

Time: noon

SUBJECT:

H.R. 11172 - Federal Maritime Commissioner Compensation

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, West Basement,

Recommend approval of the legislation. Counsel's office is now considering any further steps which may be necessary relevant to the appointment of Congressman Casey.

Ken Lazarus 12/29/75



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 24

Time: 130pm

FOR ACTION:

Paul Leach
Max Friedersdorf
Ken Lazarus
Doug Bennett

cc (for information): Jack Marsh
Jim Cavanaugh

PAN

FROM THE STAFF SECRETARY

DUE: Date: December 29

Time: noon

SUBJECT:

H.R. 11172 - Federal Maritime Commissioner Compensation

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, West Basement,

Agnes
JM

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 24

Time: 130pm

FOR ACTION:

Paul Leach
Max Friedersdorf
Ken Lazarus
Doug Bennett

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 29

Time: noon

SUBJECT:

H.R. 11172 - Federal Maritime Commissioner Compensation

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, West Basement,

OK PCL

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

H. R. 11172

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To insure that the compensation and other emoluments for any person filling the vacancy on the Federal Maritime Commission caused by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the compensation and emoluments of the office of Commissioner of the Federal Maritime Commission which was vacated by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, notwithstanding any salary increase resulting from the Executive Salary Cost-of-Living Adjustment Act, approved August 9, 1975 (Public Law 94-82; 89 Stat. 419), or any other provision of law, or provision which has the force and effect of law, enacted or becoming effective during the period beginning at noon, January 3, 1975, and ending at noon, January 3, 1977.

(b) The provisions of subsection (a) shall take effect beginning on the date of the enactment of this Act, and shall cease to be effective at noon, January 3, 1977, or on the date the person next appointed to fill the vacancy in the office referred to in subsection (a) ceases to hold office, whichever first occurs.

SEC. 2. (a) Any person who has standing to seek judicial review of any action taken by the Federal Maritime Commission after the filling of the vacancy referred to in the first section of this Act, or who is a party to a proceeding pending before the Commission may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the person filling such vacancy on the ground that such appointment and continuance in office are in violation of article I, section 6, clause 2, of the Constitution. Such court shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



Public Law 94-195
94th Congress, H. R. 11172
December 31, 1975

An Act

To insure that the compensation and other emoluments for any person filling the vacancy on the Federal Maritime Commission caused by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the compensation and emoluments of the office of Commissioner of the Federal Maritime Commission which was vacated by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, notwithstanding any salary increase resulting from the Executive Salary Cost-of-Living Adjustment Act, approved August 9, 1975 (Public Law 94-82; 89 Stat. 419), or any other provision of law, or provision which has the force and effect of law, enacted or becoming effective during the period beginning at noon, January 3, 1975, and ending at noon, January 3, 1977.

(b) The provisions of subsection (a) shall take effect beginning on the date of the enactment of this Act, and shall cease to be effective at noon, January 3, 1977, or on the date the person next appointed to fill the vacancy in the office referred to in subsection (a) ceases to hold office, whichever first occurs.

SEC. 2. (a) Any person who has standing to seek judicial review of any action taken by the Federal Maritime Commission after the filling of the vacancy referred to in the first section of this Act, or who is a party to a proceeding pending before the Commission may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the person filling such vacancy on the ground that such appointment and continuance in office are in violation of article I, section 6, clause 2, of the Constitution. Such court shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

Approved December 31, 1975.

Federal
Maritime
Commission.
Compensation.

5 USC 5312
note.

Effective
date.

USC prec.
title 1.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 16, considered and passed House.
Dec. 17, considered and passed Senate.

89 STAT. 1108

The assistant legislative clerk read as follows:

An act for the relief of Mrika Mfnacaj.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second times, and that the Senate proceed to the immediate consideration of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the bill (H.R. 10555) was considered, ordered to a third reading, read the third time, and passed.

CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS—REMOVAL OF INJUNCTION OF SECRECY

Mr. ROBERT C. BYRD, Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention for the Conservation of Antarctic Seals, with Annex, done at London June 1, 1972 (Executive K, 94th Congress, first session), transmitted to the Senate today by the President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD, I also ask unanimous consent that the convention, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I am pleased to transmit for the Senate's advice and consent to ratification the Convention for the Conservation of Antarctic Seals, with Annex, done at London June 1, 1972. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Convention.

Though commercial sealing has not yet started in the water and on the sea ice in Antarctica, this Convention provides some valuable protection for seals of that region. It prohibits entirely the commercial taking of three species of Antarctic seals and sets conservative limits on the taking of three other species. It prohibits sealing in the water, except in limited quantities for scientific research. It sets aside reserves where no sealing can take place and forbids sealing entirely during six months of the year. More importantly, it sets up the machinery to give the necessary warning when catch limits are being approached. It obligates the Parties at that point to prevent further sealing by their nationals and vessels. Provision is also made for adoption of additional controls, including an effective system of inspection, if commercial sealing starts in the area. There is nothing in the Convention to prevent a Party from adopting for its nationals and vessels more stringent controls than provided in the Convention. The United States has done this in the Marine Mammal Protection Act of 1972. While that legislation is in effect, and until the Parties decide

to adopt controls and inspection procedures in accordance with Article VI, no new legislation is needed to implement the Agreement.

Unfortunately in recent years, it has often been only after a species or class of wildlife has become severely depleted or even endangered that international conservation measures have been initiated. This Convention represents a unique opportunity for the world community to put into practice the hard learned lessons of the past and to act prospectively to protect the seals of Antarctica. I urge the Senate to give the Convention its prompt and favorable consideration.

GERALD R. FORD.

The White House, December 17, 1975.

COMPENSATION AND OTHER EMOLUMENTS FOR ANY PERSON FILLING THE VACANCY OF THE FEDERAL MARITIME COMMISSION

Mr. ROBERT C. BYRD, Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 11172.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 11172) to insure that the compensation and other emoluments for any person filling the vacancy on the Federal Maritime Commission caused by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, and for other purposes.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second times, and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the bill (H.R. 11172) was considered, ordered to a third reading, read the third time, and passed.

FEDERAL TRADE COMMISSION AMENDMENTS OF 1975

The Senate proceeded to consider the bill (S. 642) to amend the Federal Trade Commission Act to authorize certain State and local officials to enforce certain rules promulgated by the Federal Trade Commission, and for other purposes, which had been reported from the Committee on Commerce with amendments, as follows:

On page 1, beginning with line 3, strike out

That this Act may be cited as the "State and Local Enforcement Act of 1975".

and insert

That this Act may be cited as the "Federal Trade Commission Amendments of 1975".

On page 1, beginning with line 6, strike out:

Sec. 2. Section 5(b) of the Federal Trade Commission Act (15 U.S.C. 45(b)) is amended by adding at the end thereof the following two new sentences: "The functions of the Commission under this subsection with respect to the issuance and service of complaints may be exercised by bureau and re-

gional directors designated by the Commission for such purpose, pursuant to the general policy of, and any guidelines set forth by, the Commission. Any such designated person may exercise the powers which the Commission is authorized to exercise under section 9 of this Act, in pursuing investigations to determine whether facts exist which would warrant the issuance of a complaint. If any such complaint is issued, any such designated person may bring suit pursuant to section 13 of this Act."

Sec. 3. The first sentence of Section (5) (c) of the Federal Trade Commission Act (15 U.S.C. 45(c)) is amended by striking out in the first sentence thereof "where the method of competition or the act or practice in question was used or where such person, partnership, or corporation resides or carries on business" and inserting in lieu thereof "where such person, partnership, or corporation has its principal place of business".

On page 2, beginning with line 19, insert

Sec. 2. Section 5(c) of the Federal Trade Commission Act (15 U.S.C. 45(c)) is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Any person, partnership, or corporation required by an order of the Commission to cease and desist from using any method of competition or any act or practice may obtain a review of such order in the court of appeals of the United States for the circuit within which such person, partnership, or corporation resides or maintains its principal place of business."

On page 3, in line 4, strike out:

STATE AND LOCAL ENFORCEMENT

On page 3, in line 5, strike out "4" and insert "3".

On page 3, in line 7, after the semicolon, insert "and".

On page 3, in line 13, strike out the semicolon and insert a period.

On page 3, beginning with line 14, strike out

(3) by redesignating section 20 as section 21; and (4) by inserting after section 19 the following new section:

"Sec. 20. (a) (1) If any person, partnership, or corporation (A) violates any rule which is promulgated by the Commission under this Act with respect to unfair or deceptive acts or practices (other than an interpretive rule or a rule which the Commission has provided is not one whose violation is an unfair or deceptive act in or affecting commerce), or (B) engages in any act or practice in or affecting commerce with respect to which the Commission has issued against any person, partnership, or corporation a cease and desist order which has become final, then the Attorney General of the State in which such act or practice occurred, or his delegate, may commence a civil action for appropriate relief against such person, partnership, or corporation, in any court of competent jurisdiction in such State.

"(2) If any person, partnership, or corporation violates any rule which is promulgated by the Commission under this Act with respect to unfair or deceptive acts or practices (other than an interpretive rule or a rule which the Commission has provided is not one whose violation is an unfair or deceptive act or practice in or affecting commerce), then the chief law enforcement officer of any Indian reservation or similar self-governing entity not under the jurisdiction of State authorities, in which such act or practice occurred, may commence a civil action against such person, partnership, or corporation for relief in a tribal court or in an appropriate district court of the United States.

December 19, 1975

Dear Mr. Director:

The following bills were received at the White House on December 19th:

✓ H.R. 3474 ✓	✓ H.R. 8631 ✓
✓ H.R. 4073 ✓	✓ H.R. 10555 ✓
✓ H.R. 5541 ✓	✓ H.R. 10792 ✓
✓ H.R. 6461 ✓	✓ H.R. 11016 ✓
✓ H.R. 7862 ✓	✓ H.R. 11172 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.